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THE YOUNG MALEFACTOR

A STUDY IN JUVENILE DELINQUENCY ITS CAUSES AND TREATMENT

BY

THOMAS TRAVIS, PH.D.

WITH AN INTRODUCTION BY

THE HONORABLE BEN B. LINDSEY

JUDGE OF THE DENVER JUVENILE COURT

NEW YORK
THOMAS Y. CROWELL & CO.
PUBLISHERS

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Deichert August 24, 1908 $1.35

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INTRODUCTION

By the Honorable Ben B. Lindsey

The growth of the juvenile or children's courts, in the last seven years, not only emphasizes the importance of the subject of juvenile delinquency, but the necessity for a better understanding concerning it. The unquestioned increase in crime in this country is also one of the powerful facts commanding for this subject the attention it deserves. It was therefore with the greatest interest that I read the manuscript for the present book. In it Dr. Travis has shown exceptional qualifications to deal with the subject.

I have frequently said that there should be some kind of course provided in some of the schools for the training of those who deal with delinquent and dependent children, since an army of such workers is growing up in this country, to keep pace with the probation system which has greatly developed through the juvenile court. There is nothing more important, therefore, than proper literature dealing with the subject. Heretofore most of this litera-

ture has been found only in reports, pamphlets, and occasional addresses; and while there are one or two publications more elaborate, such as that of Morrison, they are now out of date and not well suited to the real, practical needs of present-day problems.

Juvenile delinquency pertains to *all* children, for all children are delinquent at some time or other. Indeed, in present day definitions, delinquency may be better described as a state, condition, or environment into which the child enters, and which if continued may result in such acts or habits in the child as eventually to make of it a criminal. Since at least ninety-five per cent of children who are dealt with as delinquents are no different from the average child but are such because their environment is different, to deal with the subject of delinquency we must necessarily deal with a great many other subjects which pertain to the causes of delinquency. Indeed, in my own experience I can not escape being led into every social, economic, political, and educational condition that concerns the state, which only emphasizes the truth that the child is the state and the state is the child. If the causes of delinquency are ever

to be fully explained and understood, then we must add so many other subjects which are responsible for its strength or weakness, that it is easy to see why the domain into which we are led is almost limitless.

This splendid volume by Dr. Travis shows that its author is keenly alive to this fact. It is a subject easily involved in profusion unless a limit be placed somewhere, and the most important subjects pertaining to delinquency be included in a volume neither too heavy and scientific for the average reader nor so hastily arranged as not to be entitled to the attention or be of value to the specialist. Dr. Travis has succeeded in producing an admirable work that is of value to all and at once concise, scholarly, practical, and instructive. We have been very much in need of an intelligent classification and arrangement under which we could more readily identify and know how to deal more directly with the individual offender. Indeed, there is a dearth of practical and useful literature upon the subject. For this reason after reading the excellent papers embodied in this volume, I rejoice to welcome it with enthusiasm.

We get nowhere at all if our idea of delinquents

or criminals comes from the mere definition of these terms in statutes, because, if we stop there, we are all delinquents and criminals at some period. If a hundred average school boys could, under the same condition, be subjected to precisely the same temptation faced by the boy who took the pocket-book from his neighbor's kitchen when he believed no one saw his act and that he would not be detected, only God knows how many out of the hundred would not have acted in precisely the same way. It depends largely upon how strong and how weak they were, and this in turn might depend upon such multifarious causes that the same reason would not necessarily account in any two cases for the same act, even though half of these boys succumbed to the temptation. And yet at bottom it was the temptation which put in action the moral weakness, whatever may have been the form of the force thus caused which resulted in the particular act. There are many things in a case like this which need to be understood.

In one of the first cases I ever tried involving a boy, the district attorney told me it would take only five minutes. He meant, of course, that it would take five minutes to determine whether the

boy did a thing that by the definitions of law constituted him a thief. I have really been five years in trying that case, and have not finished it yet. But had there been more books like this of Dr. Travis's, at the time the case came up, instead of merely the statutes and books on criminal law surrounding me, perhaps I might have completed it by now; I might at least have begun to understand it.

It is a sad thing, for instance, that much more than half the children brought to courts will lie to the judge and the officers under the former methods of trial, unless they are sure they have been found out and the evidence is at hand. Under old methods of misunderstanding, or no understanding, the boy persisted in his lie and only insisted as a rule more emphatically when doubted and questioned. There are many reasons why the boy did this; and all of the reasons must be removed before it is fair as a rule to expect him to tell the truth. Unusual cases of strong character development in the home will of course prove exceptions, but I refer to the average boy or girl in court. I know the cases of several thousand boys thus lying to officers. They would have lied with equal readiness to the judge, had they been, unintentionally,

encouraged in it, as they were by every condition that confronted them. But by an entirely different and yet natural method all of these boys were induced to tell the truth.

I sat in a court recently with a good judge who may have known much about delinquency, but little about the causes thereof. Every one of the six or seven boys tried before him lied. The judge quietly decided the cases against them, apparently taking the lie as a matter of course. Here occurred one complication in the case that made its trial add to it a feature as serious as the charge that had made of it a case. But no one seemed to know or understand. The judge was somewhat amazed to find these boys within an hour afterwards telling the absolute truth. Not as a boast, but merely as illustrating how we have been helped to understand more about delinquency, and as a defence of the so-called delinquent, in pleading merely for justice for him, I think we can say in our court in Denver that not one boy out of five hundred in cases like those referred to has lied, after we have employed the right method of getting the truth. Until we have done this much we have not been just, but instead have helped to make a liar in addition,

perhaps, to a thief; we have done harm instead of good when it was of course not intended.

What is needed in dealing with the so-called juvenile delinquent, and in the problem of so-called crime, is more knowledge, more understanding. This must pertain to human beings and those functions responsible for human beings, rather than the mere things they do. There are absurdities enough in the trials of men, but there have been even more in the trials of juveniles. One of the most interesting things about a case I once tried was the fact that the boy hated the policeman and the policeman's actions were those of hate for the boy, but neither knew or understood why. The boy at the head of the gang at the sight of the policeman knew when to yell "jigger the bull." There is absolutely nothing in the statutes or law books about "jigger the bull." The judge was to determine only whether the boy took the grain from the box car. But in time the judge will learn more about the case from perhaps that one question alone: Why the boy said, "jigger the bull." The officer who deals successfully with delinquency (and this includes parents and teachers) must know the whys and wherefores of the conduct of human

beings. This he will not find in laws. These are designed rather to regulate and deal with the effects of this conduct.

The mistake has been that limitations have been put upon intelligence and therefore justice, by a code designed merely to describe and regulate conduct, affording no play whatever for the use of that wisdom and discretion which only comes from a knowledge of men and those causes that make or unmake them. The result is, our criminal law system is so stuffed with injustice that it is doubtful if its contributions to injustice have not been greater than to justice. I say unhesitatingly that it has been positively so in dealing with the juvenile offender.

In the past we have been brutally ignorant upon the subject. But from the hanging of boys in England for larceny to the treating of the same sort of a delinquent as a person "misdirected, misguided, and needing aid, help, assistance, and encouragement" (as declared in our Colorado juvenile delinquency act), is a long step in advance, even if it measures a hundred years. The boy whose uncontrollable emotions, for which he is often no more responsible than for the instinct to eat or sleep, impelled him

at the age of twelve to take the first horse and buggy he found unattended on the street and drive it off, was hung for it a hundred years ago; within a decade he was charged, treated, and convicted as a horse thief; within five years he was still given into the tender mercies of the jailer; but to-day (except in a few states yet in darkness) he is turned over to the trained teacher in the detention school, and frequently by her in turn to the specialist or psychologist. He is taken to this moral sanitarium. Here they differentiate between stealing a ride and stealing a horse, or stealing at all — in a word, where they are learning how to fight the bad thing without fighting the boy.

Thus we have begun to get a glimpse of how much skill is required. That skill is coming. It is needed in the home and the school — why not the court? It has been lacking because we have been so much confused as to the real things we are dealing with, the real things we must know and do, in order to administer what we poor foolish mortals think to be justice. Of course there must be justice. The point is not that there shall *not* be, but that there shall be justice. And real justice contemplates love, as real love contemplates justice.

We put love in the law just so far as we understand men — just so far as we are really just to men. Certainly the best time to understand a man is when he is a boy. A man is not made all at once. Nature does not do things that way, and certainly what nature cannot do it would be absurd for man to undertake. Mankind in the making offers its most favored opportunities when character is plastic, when nature has given us the material to form, as she gives the clay to the potter; and the potter would be very foolish if he waited until the material hardened before he began his work. Yet this is what the state did as a rule. The state as well as the home and the school must do its part in the work of formation, and is to be condemned as not only foolish but criminal if it undertakes reformation only after neglecting all of its opportunities for formation. We all suffer for crime because it is a reflection upon all of us, a reflection upon the state. Just as in the average home when its boy is convicted of crime, there is suffering in the home and a wound for the parent, so the thousands of youth in this country drifting into crime every year means suffering for us all and wounds for the state.

While any child may be and at some period is delinquent, as defined by the statutes, as all men are sometimes criminals, yet society is after all, in dealing with the delinquent and the criminal, dealing with the exceptional. This need not be misunderstood. Not that the average delinquent boy in court is exceptional as a boy, for they are no more so than the mischievous boy to whom the school principal must deal with at exceptional times for the occasional mischief. Indeed, the boy who is not delinquent at times, as this term is now defined in statutes, is so exceptional that I can conceive of none that would be more abnormal and give us more occasion for concern. What we are struggling to understand is that child whose natural instincts perhaps are so much misdirected and uncontrollable as to draw to himself our attention as one in whom we have a right to suspect that weakness which in time will classify him as criminal. We have tried to develop a system whereby this individual could be identified as he is gradually ground out from that system which seeks to separate him for special treatment, even from that great number of so-called delinquents who get into courts and who are there not because they are

inherently materially different from other boys, but because their environment and temptations were different and indeed frequently because they represent merely "those caught."

Delinquency, therefore, may indicate an unusually healthy and normal condition, rather than the contrary. So that in intelligent classification to point to the real delinquency that requires our especial and expert care and attention is the important object, and it will be found, therefore, that it is only the exceptional that is to be especially dealt with, and it is this exceptional delinquency, the forerunner of dangerous citizenship, which should concern us most. But to arrive at this we must study delinquency in all its varied forms. What these are, why they exist, what they lead to, how to prevent them, or how to overcome them, to gather useful and reliable facts and theories, to collate and classify them, in order that they may point as unerringly as possible to the truth we seek, that we may strive to save the individual as well as to protect society — all this is the great problem involved in the important subject of "The Young Malefactor," or "Juvenile Delinquency, its Causes and Treatment."

In short, Dr. Travis has covered this field in an admirable manner. In the interest, therefore, of the hundred thousand or more children dealt with in the courts every year, as well as all the children dealt with in the homes, schools, and churches, it is my hope that this volume will be found in the hands not only of probation officers, but especially of parents, teachers, and pastors, for it is these after all — rather than courts — who deal most with juvenile delinquents. None can be excepted from those who ought to be interested in the most vital subject of this nation — this divine image, the child. May this book do the good I believe it is destined to do, and may it have the success it so richly merits!

BEN B. LINDSEY.

DENVER, DECEMBER 10, 1907.

PREFACE

One of the present day social problems is that of crime, and the Italian School of Criminologists has done much to further its solution. Under the leadership of Ferri and Lombroso, the theory of evolution was applied to the explication of the phenomena of criminality, and the emphasis was placed on the atavistic characteristics of the offender. Malefactors were classified and this school claimed to detect, by means of stigmata, both the criminal and the type of crime he would commit. So strong was their emphasis on the "born" criminal that many were led to believe all offenders usually abnormal. The question was asked, Is criminality illness or crime? ("Krankheit oder Verbrechen.")

On the other hand there were those who denied the existence of stigmata of crime or criminality, who did not recognize any relation between physique and crime, and who made no classifications: all offenders were alike to them. Also no essen-

tial difference between the child offender and the grown criminal was seen.

It therefore seemed to the writer that there was a realm between the opposing schools which had not been investigated with sufficient care. Not enough attention had been given to define exactly where and why Lombroso had found his stigmata; nor why the few anthropologists who had examined the juvenile had found no stigmata of crime or type in the kind of delinquent they examined.

The author proposed this test. He would begin with the ordinary population and tabulate carefully how these stigmata mentioned by the Italian school occurred. He would then do the same with the young offender, beginning with the youngest and mildest and advancing to the older and more deeply involved. From here he would begin with the insane; and then, by carefully comparing the number and manner of occurrence of stigmata, he could determine whether what Lombroso found true of Italian criminals was true of all offenders, young and old, and whether the stigmata which Lombroso said were characteristic only of crime were in reality found also among the insane who were not also criminal.

Some six years were spent in theoretic and practical study under Professors Fisher of Wesleyan, Giddings of Columbia, and Johnson of New York Universities. Mr. Mornay Williams, president of New York Juvenile Asylum, and Mr. Samuel Barrows, of New York Prison Association, furnished letters of introduction to numerous penal institutions both in this country and abroad. These were visited and access to government documents, special libraries, and retreats for the insane was secured. Work in settlements, institutional churches with clubs for children as well as connections with juvenile courts, and probation work and institutions like schools for backward children brought acquaintance with the details of the life of the child who gets in trouble with the law.

The method pursued was to read all literature reasonably accessible, to find out what had been done, and then to supplement this by practical examination of hundreds of offenders and insane, as well as normal people. The juvenile was studied also with respect to age, sex, physical, mental, and moral equipment; economic situation; and the condition of his home; with the expectation that thus mapping out the main lines of his life he

could be more clearly understood and the tests applied.

The stigmata of the Italian school were searched for in the insane and in the delinquent. The causes of crime were tabulated, a search made for a principal cause and the literature of treatment arranged to form a brief history which was carried further by the conclusions arrived at in practical work. It remained only to put these results in thesis form.

The main theses which this paper is intended to maintain are as follows:

(1.) A study of the delinquent with respect to his physical, mental, and ethical conditions shows that at least 90% and probably 98% of first court offenders are normal.

(2.) A study of the delinquent with respect to his economic condition, the material condition of his home, his condition as to orphanage, etc., the physical, mental, and moral conditions of his parents confirms the above thesis and shows that not only all the normal offences, but some of the morbid or abnormal delinquencies, are the product of his environment.

(3.) Of the remaining two to ten per cent. of

first court offenders, some are insane, others morbid, and some few perhaps atavistic and might be called in a metaphoric sense "born criminals."

(4.) The stigmata theory of the Italian School applies only to a more limited realm than they claim.

(5.) There are no stigmata of either crime or types of crime, but only of abnormality or degeneracy.

(6.) The causes of delinquency are many and spring from every department of life, but they focus in such a way that we may name the non or semi-functionary home as the chief cause.

(7.) The treatment of the normal delinquent should be primarily the influence of strong personality exerted in the atmosphere of a home, natural or foster.

(8.) The abnormal delinquent should be subject to special treatment and isolation until cured, or until he is eliminated.

Little claim to the discovery of new facts is made, that of the almond nostril being perhaps the only one. Whatever contribution is made is rather the clearer definition of the realm between the opposing schools; the clearer definition of the area

to which stigmata may be applied; the gathering of more definite statistics at several points; the comparison of the stigmata of insanity with those of crime; the classification of types of juvenile delinquents; the focusing of the causes of delinquency; the arrangement of scattered literature of treatment in such a way as to show its trend; and the application of the science of orthodontology and kindred sciences to the treatment of delinquents having malformed heads.

T. T.

MONTCLAIR, N.J., JANUARY 1, 1908.

THE YOUNG MALEFACTOR.

CHAPTER I.

THE YOUNG MALEFACTOR IN THE INSTITUTION AND AT HOME.

Definition of the term "juvenile delinquent."

THE term "juvenile delinquent" is applied by law to any person under sixteen who commits any offence for which he is brought before the courts. Legally, it also includes all under sixteen who by reason of destitution or neglect are in grave danger of committing such offence. By loose usage and in an extra legal sense, the term has come to include all court offenders who are not full-grown men and women. The juvenile, therefore, is a criminal in the general sense of the term, but the courts have found out that they cannot consider or treat him as such.

In tracing the young malefactor through his limited world the present chapter should show not only that at least 90% and probably 98% of first court offenders are normal children, not more than one or two per cent being criminal by nature, but also the nature of the delinquent child and the reason for the courts' attitude. Let us then begin with the older delinquent behind the bars and follow him backwards to his infancy and home.

The offender in the institution. As we descend from the older and more deeply involved to the younger and milder offender, physical maldevelopment and abnormality tend to decrease, and in such a way as to prove that at least 90% and probably 98% of first court offenders are normal, and not more than 2% are criminal by nature.

Elmira reformatory deals with the oldest and most deeply involved offender who can, in the broadest sense of the term, be called a juvenile delinquent. Yet it does not accept those who are deepest in criminal taint, the insane malefactor is weeded out and sent to Dannemora. Concerning the physical condition of those it keeps, it reports that 68.1% have not good physiques and 11% have not good health.* How many of these are criminal by

*"The New York State Reformatory at Elmira," page 30.

nature? Certainly but a small fraction. For it is an axiom of criminology that the natural criminal cannot be cured by any method which Elmira uses; yet, out of thousands it handles, this institution claims to cure all except 18%. Now, while the staff recognizes some who may be criminal by nature, it would not claim to cure all except these. It follows therefore that some of the 18% not cured are tainted in some other way than by being "born criminals." In our effort to discover the number of such we can only approximate. But we may assume that morbidity, insanity and the criminal nature are three forms of degeneracy occurring in the offender. We may also assume that the particular form of vicious nature will be found in not more than half of those unreclaimed.

Conditions at Rahway, Caldwell, and the House of Refuge justify this assumption and show a decrease of physical abnormality.

The conditions at Elmira are probably not exceptional. Caldwell Penitentiary for older offenders publishes no report and no one has made a careful examination, but during many visits the writer saw no phenomena which would differ essen-

tially from those at Elmira. This conclusion was strengthened by visits to Rahway Reformatory and the House of Refuge in New York, both of which institutions take offenders a little less deeply involved than those at Elmira. At Rahway not more than 15% showed striking maldevelopment and the heads in the photograph file confirmed this examination. There were outstanding ears, large and prognathous jaws, defective palates and several other peculiarities which we shall see later described by the Italian School as stigmata of crime, but in not more than 15% were these combined in one individual in such numbers as to imply abnormality of nature. Even judging all these abnormal and using the same method of division as with the Elmira statistics, the number who might be natural criminals was not more than 7.5% of the whole. The same is true of the House of Refuge inmates. There was physical maldevelopment — one inmate being a dwarf with a keel-shaped head, and almost an imbecile, but not more than 7.5% could reasonably be suspected

of a criminal nature in the accurate sense of that term.

The New York Juvenile Asylum takes the mildest grade of offenders committed to an institution, about 40% of them being orphans or neglected and destitute children. Hrdlicka has made a very accurate and careful examination of a thousand of these, and the gist of his report follows: "A really inferior child, an inherently vicious or imbecile child, or one who could not be much improved by better food and better hygienic surroundings is a very rare exception; 14% of the children examined were so sound that there was not a blemish on their bodies." Considering any decided deviation from the typical form in health as an abnormality, and counting those in whom one-half of the parts of the body examined presented one or more abnormalities as exceptional, he found only 8.7% such. That is, 91.3% were either in excellent bodily condition or not exceptionally poor.* He reports that there

Hrdlicka's report of New York Juvenile-Asylum children did not discover 1% of natural criminals.

* Forty-seventh report of the N.Y. J.A., appendix.

was no one peculiarity or set of peculiarities which could be considered typical of the asylum children, and there was no abnormal type. The large proportion of abnormalities observed was slight. And he concludes that there is reason for believing these results would not differ materially from those obtained by an examination of children of the same social class not delinquent. Not one child could be called an utter degenerate, and by this he means an imbecile, or a person by nature so unsound or vicious that there could be little hope of recovery.

Concerning the 8.7% who were in poor physical condition, assuming that all were abnormal, *i.e.*, morbid, subtly insane, or with a criminal nature, we should even then have no grounds for considering that more than 2.9% of the inmates might be criminal by nature, if we use the same method of division as at Elmira and Rahway.

The juvenile delinquent is not well equipped physically.

Yet Hrdlicka found that these asylum children differed in some respects from ordinary children. There was more temporary mal-development, more

illness. They were also smaller in stature and lighter in weight than the ordinary child. Similar conditions have been found to exist in Boston, and also in the British delinquents.* In English institutions, even after many had been rejected on account of poor physique, the death rate was higher than normal. At the Montclair School for Backwards the writer found the members, almost all of whom are troublesome children and almost all delinquents, below the average in physique. They were under-developed and mal-developed, especially in head formation.

Many of the children in institutions as mild as New York Juvenile Asylum are, however, more deeply involved than first court offenders. When a child is brought to court for an isolated offence or for trivial offences he is usually put on probation. He is not sent to an institution unless there is a certain amount of persistence to his delinquency, or unless he is so destitute of guardians that there is no other

Probably not 2% of court offenders are strikingly abnormal in physique.

* Morrison, "Juvenile Offenders," page 86.

place. Therefore all the lightest offenders will escape committal. Consequently, we should expect that, even if there is a percentage of natural criminals in the lighter institutions, that percentage would be less among court offenders, and this seems to be the case. A judge of the Newark Children's Court, having ten years' experience with delinquents, declared, after a discussion before a society met to consider the delinquent, that not more than two out of a hundred could be classed as criminal by nature. He was probably right. An examination of the children at Manhattan, Brooklyn, and Newark Children's Courts convinced the writer of this. Many of the children are underfed and underdeveloped, some are mal-developed by reason of neglect or unwholesome work. The dentition is deficient in many; some have the outstanding ears described by the Italian School, others have abnormal palates, but few have these peculiarities in such numbers or in such sinister combinations as would justify calling them abnormal.

It is to be noted, however, that all who are

tried in court are not first offenders. A large proportion of them have been there before. So that even if there were two abnormal children in a hundred court offenders there would be less than that in a hundred first court offenders, and not even all these would be criminal by nature.

Not more than 1 or 2% of first court offenders are abnormal.

To recapitulate: not more than 18% of the inmates of Elmira could be declared abnormal by nature, and not more than 9% could be considered naturally criminal. Of the inmates of Caldwell, Rahway, and the House of Refuge, not more than 15% could be considered abnormal by nature, and not more than 7.5% could be called naturally criminal. At New York Juvenile Asylum not more than 8.7% could be suspected of abnormality of nature, and not more than 2.9% could be considered as naturally criminal; out of a thousand examined not one was declared thoroughly criminal by nature. Of court offenders not more than 2% were abnormal in the full sense, and, judging from their physical condition, not 1% were criminal by nature; therefore, of first

Summary.

court offenders, which includes children undoubtedly less tainted than court offenders, not more than 2% could be counted criminal by nature, *i.e.*, atavistic in the sense implied by the Italian School.

Why this conclusion is not as opposite to that of the Italian School as seems.

Conclusions which at first seem so contradictory to those of Lombroso and Ferri might be doubted if the reason for such variance could not be indicated. The process of the courts and penal institutions tends to sift out the more normal delinquent on the one hand, and to develop the abnormal on the other. Many first court offenders never appear in court a second time: these are not included. Of those in juvenile institutions 50% are reclaimed: these are excluded also. Others gravitate to the sterner institutions like Rahway, and of these again some 50% may be supposed to be cured. Since there is no indeterminate sentence for older malefactors, these, at the expiration of sentence, go on in criminality. Those who were once normal may easily become morbid

and those who could not, in childhood, be called criminal by nature, now appear so.

At an institution like Elmira some of the worst cases are sent to prisons for "insane criminals." It is to be expected that in such an institution the number of insane criminals would increase.

Social classes are not clearly fixed in this country because of a relatively mobile state of society. A criminal may go to the frontiers and in that life, which more nearly approaches the uncivilized, find an environment that does not induce criminality, *i.e.*, a breaking of the law. But in England, for example, social classes are more static. There is a nearer approach to what may be called a dependent and delinquent class, and by that is meant not a number of dependent or delinquent individuals, but a sort of society within society, having traditions, training, parentage, and environments limiting opportunities in a way which tends to delinquency.

An examination of the street children in the poorer quarters of Liverpool, Manchester, the

Cheshire County Prison and Almshouse, and the White Chapel region of London proved to the writer that these juveniles more nearly approached a degenerate type than did those in the United States. The children had the appearance of the parents, and the inmates of the almshouse and prison were more abnormal in aspect and more nearly members of a class than any observed here. For example, in the slums of England and France the writer saw little barefooted waifs whose pallid faces and pitifully crooked bodies were not merely under-developed but mal-developed, and that from birth. They suggested successive layers of crookedness — the heritage of close inbreeding due to a static state of the little society in which they lived. They differed as much from the ordinary child as one white race differs from another. They could be picked out in a crowd. These intermarrying with their kind produce a degenerate class, yet they are not all criminals by any means. There was often a beautiful loyalty among them. One girl of ten was foster-mother to several younger. She was

nursing a little baby, chopping herring boxes with a table knife, and selling the kindlings at ten bundles for a penny to support the others.

In Italy the social conditions in this sense are still more adapted to the formation of a delinquent class. Italy has for centuries been the home of criminal study, because the social conditions made it the home of the criminal. It will be remembered that La Maffia, Camorra, Mana Nigra, the Charbonari and other societies of malefactors either had their rise in Italy or came from nearby localities and found congenial surroundings there. They have all flourished within a century, Maffia and Camorra at times even competing with the government itself.

Now when we find that the percentage of abnormal physiques increases in our country with its mobile conditions, as we advance from the younger to the older offender, and also see that in England the percentage of abnormalities is so great as to make them approach in appearance a criminal type, we can perceive how Ferri and Lombroso, working with the old culprits of static Italy, could suppose that these

peculiarities were typical of criminals everywhere.

In making anthropological charts of the inmates of a New Jersey institution the writer found many Italians among them and it is an undoubted fact that these Italian criminals approximate Lombroso's types. Some of them are surely *in appearance* the "born criminal" of Lombroso. Yet an actual scientific analysis of the data taken on the spot reveals not more than two out of a hundred who can fairly be described in Lombroso's terms, and if the writer expresses his deepest conviction he would hesitate to say that even these two were unquestionably born criminals, though the data lead him to go on the supposition that one of them is.

An examination of the juvenile delinquent with respect to intellect and culture confirms the conclusions of the preceding paragraphs.

(1) Elmira conditions.

These conclusions are confirmed from another view-point. Elmira reports that out of 5,899 men 39.7% showed "absolutely no moral sense."* But it must not be supposed that criminal nature is inferred in all of these, for her reports

* New York State Reformatory at Elmira, pages 30–32.

also give only 18% of failure to reform. Also many morbid and insane people who are not criminal show no moral sense. The writer has seen insane patients who had no sense of shame. They exposed the body freely, falsified, and did not recognize a reproof. They stole or even attempted murder with no sign of moral repugnance, and yet the reasoning faculty was so slightly impaired that the attendants were convinced that the patient was not really insane. One attendant said to me: "X is no more insane than I am. She has the devil in her, that's all." The explanation of the dearth of moral sense among criminals lies in illiteracy and lack of culture. The reports of this institution give 19.5% with a mental capacity not good; and 75.5% with little or no culture;* and in another place we read: "More than 60% of the prisoners are practically illiterate on admission, and at least one-third of the whole number are from the dull scholars in public schools or truants who burrow in lanes and alleys."

Experience shows that moral perception is

* Papers in Penology, page 30.

largely a matter of intellectual capacity. It is doubtful whether any child knows either right or wrong without instruction. Children who have not been brought up with the ordinary moral conceptions, who have been taught that it is right to steal, lie, or commit crime, unless caught, if mentally dull and lacking in intellectual culture, cannot be expected to show later any signs of moral sense for a different ethical standard. It would be like asking a Chinaman to produce the music of Wagner, or an African savage to show the delicacy of moral feeling a cultured woman manifests. For example, in a small town of England the writer saw a girl of eight who told, with all a child's naïvete, of unnatural sex acts which she practised with her father and brother. Yet she was not vicious or immoral by nature. She had been thus taught by her father and the question of right or wrong did not even arise. The child lacked intellect and culture to discriminate. And that the delinquent does so lack in intellect and culture is clear.

Moral perception is intellectual in nature.

In the Reform School at Mitchellville 90% of the inmates were illiterate and 95% had no domestic accomplishments.* At Washington, D.C., only 20% of the prison boys could read.† Of the Reform School children in England only 13% could read, and this was due in large measure to natural incapacity.‡

Data.

Much the same is true of French offenders. Raux reports as follows:

Degré d'instruction des jeunes délinquants.§

Illetrés	35%
Sachant lire	24%
Sachant lire et écrire	31%
Sachant lire et écrire et calculer	8%
Possé dont une bonne instruction primaire	2%

At the House of Refuge there was noticeable backwardness. Some of the youths of sixteen were struggling with mental problems a child of twelve could ordinarily solve, and though many were

House of Refuge data.

* F. P. Fitzgerald, Supt. Industrial School for Girls, in pamphlet entitled "What should be the Age Limit," etc.

† Prisoners' Aid in Washington, D.C., "Charities Review," Vol. 9, page 3.

‡ "Juvenile Offenders," Morrison, page 109.

§ "Enfants Coupable," page 34.

of foreign birth or parentage and therefore handicapped by a strange language, much was due to lack of capacity and training. The story is told of a young boy being questioned by the judge: "Do you ever go to church?" "Yes, sir." "Do you know what it is to be born again?" "Sure thing." "Well, would you like to be born again?" "Naw, *sir*, I might be born'd a girl."

But when we come to the mildest offenders, like those of New York Juvenile Asylum, we find that though "many are backward when they enter the institution, they rapidly catch up under the training given."* None of them are utterly lacking in intellect and in moral sense. And when we consider the juvenile in court we find that he often displays rather unusual shrewdness and wit. It is a common occurrence to see a child of ten or twelve stand with his chin barely above the rail and answer offhand questions which would puzzle an older child without the precocious knowledge gained on the street.

New York Asylum data.

* Instructor's report for 1905.

There is often a lack of culture, but this is most naturally explained by the fact that they have neither been trained at home nor sent to school regularly, nor have they had the food which would give mental strength.

From time to time a naturally backward child appears, sometimes even an imbecile, but these are rare exceptions, not amounting to more than 2% of the whole, and somewhat less than this if we limit our observations to first court offenders. To summarize: In reformatories like Elmira, which takes the oldest offenders who could be called juveniles, there may be 39% of the inmates who show no moral sense. Some of these are morbid or subtly insane. But because moral sense is a phase of intellect, and over 80% show deficiency in intellect or culture, we may infer that the ethical defects of some of this 39% who show no moral sense are due to lack of mentality and training. As we descend to the court offenders we find this explanation confirmed by the fact that the ratio of those strikingly lacking in mentality and moral sense diminishes to not more than 2%. And since

first court offenders embrace more who are undoubtedly not so lacking we may conclude that at least 90% and probably 98% of them are normal children. How much of criminal nature is present we may the better know by an examination of juvenile offences.

The offences for which children are tried before the courts are usually of a trivial nature, such as stealing a neighbor's rabbit, harassing a peddler, throwing snowballs in city streets, entering vacant buildings, or lighting bonfires in dangerous places. The motive for many of these delinquencies is often proven to be pure mischief — as one group of juveniles expressed it, "Just to be chased by the ginney." Judge Lindsey describes a group of boys who had broken into a freight car, stolen a box of bottles containing syrup of figs, and drunk much of the contents. When the weak and half sick culprits were brought to court next day they replied to the judge's question of

The delinquent commits almost all kinds of offences, but most of them are comparatively trivial and the rest largely indicate an environmental source. Not more than 6% indicate abnormality. Probably not more than 1 or 2% of them are the actions of children criminal by nature.

"Why did you do it?" "We thought it was as good as the pictures said."

A large number of these children are merely destitute, abandoned or guardianless, and as this condition places them in grave danger they are considered delinquents.

There are, however, some serious offences. The delinquencies for which children were brought before the New York Court, those of the inmates of the New York Juvenile Asylum and those of Jamesburg, are as follows:*

Bad Conduct.	Some Form of Theft.	Mixed.	Unfortunate.	Isolated.	Abnormal.
N. Y. Juvenile Court, 2 years report:					
a, 36%.....	51%	5%	8%	1%	1%
b, 30%.....	50%	.....	20%		
N.Y.J.A., 46% ..	9%	3%	40%		
Jamesburg, 56%.	36%	6%	.....	1%	1%

The 2% entered as abnormal are not certainly so; they were fornication and other sex crimes

*A summary of reports of the Children's Courts at Manhattan, fifty-first report of N.Y.J.A., and Jamesburg.

like indecent exposure. None of them indicated surely more than bad training and careless oversight by the parent.

Of the Jewish delinquents of Manhattan, 39% were guilty of petty mischief and theft.*

The House of Refuge reports that 50% of its inmates are truants, vagrants, and disorderly persons. And here is shown the serious nature of some delinquencies, namely, persistent recidivism, for

51.9% were habitually irregular in school attendance,

24.9% were idle,

54% were truants,

37% had been previously arrested,

31.2% had been in other institutions, yet not more than 5% of these showed abnormality enough to be classed as degenerate.†

In France there is the same report of triviality with a current of serious offence. Passez reports, "En 1891 (à Paris) on a arrêté 68 jeune filles âgées de trieze à seize ans et se livrant à la

* "The Jewish Boy Criminal." Jewish Charities, page 126. 1905.

† Eightieth report.

prostitution."* And an old study of conditions in New York probably reflects accurately the conditions of to-day. Out of 2,000 prostitutes examined by Dr. Sanger of Blackwell's Island, 48% were twenty years or under in age.

The fact that such young persons are found in this class cannot be taken to indicate physical or mental degeneracy of nature, for, where the circumstances are examined, the parents themselves are usually to blame, having often, as the writer has seen both in New York and Newark, taught the children by parental example, and also invited men to prostitute the children for the sake of the money thus obtained. For example, a New York mother in the neighborhood of the Jacob A. Riis House was in the habit of prostituting herself, with her thirteen-year old daughter in the same room and her baby on the same bed. In Newark a negro mother would invite passers-by to come in, and then, with no apparent shame or hesitation call her daughters for the inspection of the

* "Du vagabondage et de la prostitution des Mineurs," Revue Pénitentiaire, Vol. 16, page 972.

visitor, receiving the money as if she were merely selling an ordinary article.

Of the 2,000 examined by Dr. Sanger, 25% gave "inclination" as their reason for entering this life, yet further questioning elicited the fact that it was not sexual desire but inclination induced by the persuasion of other fallen women, — craving for intoxicants and an easy life, or desertion by husband that had led them to take up this life.* All of which answers, as can be seen by the cases cited in detail, reveal not a morbid or degenerate nature, but unwholesome environment and training. And the accuracy of this conclusion is confirmed by later statistics from Germany. Ferriani thus analyzes 10,422 cases of prostitution according to cause:†

General vice and depravity, *i.e.*, inclination in Sanger's sense	26 + %
Loss of husband or supporter	20 + %
Seduction by lovers	15 + %
Seduction by patrons, employees, etc., upon whom they were dependent	8 + %
Desertion by husband, parent, etc.	7 + %
Luxury	6 + %
Incitement by those loved (not members of the family)	6 + %

* History of Prostitution 1859, pages 450, 488, etc.

† Minderjährige Verbrecher, page 169. 1895.

Incitement by husband or other members of family, 3 + %
To support children, parents or poor or sick members of their family . . . . . 3 + %

Other offences of French delinquents are given in the following table by Raux:*

Jeunes Délinquants coupable de crimes ou de délits.	Contre les personnes.	Meûtres, homicides, coupes et blessures ayant occasionné la mort	5		
		Tentatives de déraillment	2		
		Coupes et blessures, injurés, ménaces et voies de fait	13		
		Violences, voies de fait et outrage à agents de la force publiques	6		
			—	26	73 or 19%
		Viols et tentatives	6		
		Attentats à la pudeur	28		
		Outrages à la pudeur	13		
			—	47	
	Contre la propriéte.	Vols qualifiés, complicité et tentative	50		
		" simple	169		
		Soustractions frauduleuses	2		
		Abus de confiance	7		
		Escroqueries et tentatives	4		237 or 61%
		Faux en écriture	1		
		Bris de clôture	3		
		Evasions par bris de prison	1		
			—		
	Mixtes.	Incendies volontaires	4		
		Participation à insurrection	3		75 or 20%
		Vagabondage	56		
		Mendicité	12		
			—		

* "Enfants Coupable," page 40.

It might be supposed that such crimes as manslaughter, murder, sex crimes, and incendiarisms indicate degenerate physique or mind. But taking all the offences given under these heads, 22 in number, still the percentage of such crimes is only 5.7%. And it would be a mistake to suppose that all of these are indications of vicious or criminal or atavistic nature, that is, a nature reverting back to an earlier type, so that both physique and mind are organized and function much in the way those of a primitive savage might be expected to act had he been brought in contact with civilization and by training been taught the fundamental customs of society.

Take an example of murder in a child of about thirteen. A girl was given care of her baby sister. Because the child troubled her she poisoned it. Examination of the family revealed a taint. There were stigmata of degeneracy present but not in great numbers or in sinister combinations. A brother was delinquent and sent to the George Junior Republic at Freeville. The writer knew the family and

visited the boy. There was, so far as he could see, no trace of a criminal nature in either the boy or the girl or in the parents, yet a morbid streak appeared in the girl, and a kind of mental instability in the mother. The girl had been a bright child at school; there was no record of delinquent acts. When she was brought before the courts she was declared insane. This was probably not deep insanity, but the result of parental neglect and overwrought nerves working temporarily on a neurotic subject.

Even when there is a record of previous bad conduct like that shown in the following table by Raux, there is not often either degeneracy, morbidity, or atavism:*

Dont la conduite était bonne		60	16%
Dont la conduite laissait à désirer		65	16%
Dont la conduite était mauvaise		138	36%
Antérieurement arrêtés ou condamnés	Une fois	68	32%
	Deux "	40	
	Trois "	77	
	Plus de trois fois,	10	

It is very rarely criminal or vicious nature that causes recidivism in the first court offenders; it

* "Enfants Coupable," page 30.

is bad environment, and the proof of this is that whenever the environment has been thoroughly changed the child has recovered. With no medical aid and with no means except the influence of a strong personality exerted in such a way that the effective environment of the delinquent was altered, Judge Lindsey of Denver has cured 96% of all those handled in his court, and there are many who are worse than first court offenders there.

To understand the nature of juvenile offences it is absolutely necessary to get at them not from the technical names given in court, or by a hearsay verdict of somebody who saw the mere deed, but we must see the whole act from the culprit's standpoint. Such a study reveals some bizarre crime that is surely the result of morbid nerves, much more which is the result of heredity and training, but most of all from mere immaturity and accident. For example, a negro boy in one of our juvenile classes would expose himself in the presence of the children and teacher. He would begin masturbation and attempt homosexuality in the presence of the

teacher or in public. He was decidedly lacking in mentality. This is abnormal nerves, a form of insanity, and it is so rare that the writer has seen only one case in several hundred delinquents. There is more of the second kind, *i.e.*, mixed heredity and environment. For example, a family consisting of mother and four children. The mother is a German peasant, dull and uneducated. Though for years in America she has not learned enough English to understand a simple baptismal ceremony or to speak with a visitor. She and her family were found living in an old dwelling which had been used as a chicken-coop. All the boys were delinquent, and as soon as they were placed with a good family interested and able to deal well with them, the mother began proceedings to recover her children. This was done at least twice. The daughter is stupid and on the verge of a life of illegitimacy or even prostitution. Much of this delinquency is sheer dulness, the rest is lack of training. A knowledge of the family for years makes the writer know that

there is nothing accurately described as "natural criminality" among them. Even such a family as this is so rare that its discovery was heralded by all the newspapers. Not three in a hundred are of this kind.

The third and by far the most common kind is typified by the following: A boy of fourteen had sold two pigeons to another. The price agreed on was fifty cents, of which a quarter was deposited with the understanding that the rest would be paid soon and both the pigeons (which were a pair) should be taken. The pigeons were taken, but the other quarter was not paid, even after repeated demands. Therefore the boy went at night, broke the lock on the coop and took back both his pigeons. In court he repeatedly asserted that he had done nothing wrong. The prosecutor said he himself had offered to let the boy off if he would apologize. But the "culprit" refused even this. And rightly so. He knew nothing of technical law, yet he was indicted for "breaking and entering," of which he refused to plead guilty.

The judge solved the problem by saying, "Did you break the lock and get in the coop?" "Yes." "Then you plead guilty." But from the boy's standpoint he had simply gone and taken back his own property. This is typical of very much so-called juvenile crime. The child does not see the complainant's side, he does not know the difference between an unwise act and a criminal one and he has not knowledge enough to right his wrongs in a legal way.

To recapitulate.

The juvenile delinquent commits all kinds of offences, but, as shown by an examination of court offenders, very many of them are so trivial that the child is merely fined or put on probation. Even when the offence or condition of the juvenile is such that he is sent to an institution like New York Juvenile Asylum, figures covering almost fifty years show the offences to be only destitution or misfortune in 40% of cases, and in an institution like the House of Refuge 54% are only truants. Raux's table of French offences, which we have every reason to believe typical, gives as

a maximum 5.7% who might be counted degenerate. An examination of known cases shows that some of this 5.7% are not atavistic natures in Lombroso's sense, but only cases of weak nerves or morbidity acted on by poor environment, as a child who throws a brick from a house-top and kills a boy, not realizing that a brick thrown from a house-top will carry farther than one thrown on the level. And the fact that Judge Lindsey has, by changing the environments of delinquents, cured 96%, many of whom were more deeply involved than first court offenders, leads to the conclusion that all kinds of delinquencies are committed by the juvenile; most, however, are trivial, and the rest indicate largely an environmental source. Not more than 10% are of an abnormal character and probably not 5% of the offenders are abnormal. Of the 5% who may be suspected of abnormality at least half are probably only slightly morbid; of the rest some are insane, and perhaps 1 or 2% at most of first court offenders may be accurately called natural criminals.

B. THE HOME OF THE YOUNG OFFENDER.

General thesis: a study of the delinquent with respect to economic condition, orphanage, parental and home conditions confirms the thesis that at least 90% of first court offenders are normal, and explains how some of the morbid offences are a result of environment and training. It also confirms the judgment that not more than 2% of first court offenders are atavistic in the Italian sense.

Many of the delinquents are arrested for petty thieving, vagrancy, and the like. So persistent are these habits that the question of kleptomania or delinquent nature may be raised. But examination of the economic status of the young malefactor reveals the following: Eighty-eight per cent of 179 homes of inmates of New York Juvenile Asylum had a per capita weekly income of three dollars or less;* and 52.8% of 1,824 households of the children attending the industrial schools † of the Children's Aid Society of New York had an income of seven dollars or less per week for the whole household. Counting only the usual five per family — and the family of the poor averages more than this — we have an income of $1.40 per capita weekly. In one case the old mother

* See also another table, page 32, N.Y. J.A., 1903 report.

† Short-term Juvenile Offende s, Charities, Vol. 10; 1903 report.

had no income; she procured the entire subsistence of the family from the garbage receptacles on the street. The one room of the "home" was a windowless attic and she slept with her children on the bare floor.

Also many of the children, as we have seen, are orphans or abandoned, with not even this small sum to live on. It is not, therefore, a sign of vicious nature if these habitually steal.

In England most of the parents could not pay five shillings per week to the support of children in an institution. Only 10% of the reform school and 15% of the industrial school children had ever lived under "comfortable" economic conditions.* Forty-six per cent lived in lodgings; 77% of them had not even begun to learn a trade. Much of this springs from the incapacity and poverty of the parents, but in some cases it is misfortune; 50% of the poverty before the Bureau of Associated Charities was caused either by illness or by misfortune. †

Of the prostitutes examined by Sanger the

* Morrison, "Juvenile Offenders," page 16.
† Twenty-second annual report.

weekly earnings before entering that trade were as follows:*

One dollar	534	Six dollars	27
Two dollars	336	Seven dollars	8
Three dollars	230	Eight dollars	5
Four dollars	127	Twenty dollars	1
Five dollars	67	Fifty dollars	1

Unascertained, 664. Total, 2,000.

In some relatively few cases these women had been compelled to choose between this and starvation; some were supporting sick or aged parents, and a somewhat large per cent were earning almost one hundred times as much by prostitution as by the only work open to them. Where before they did "menial work" and were looked down on, they now were, as they expressed it, "Boss." In answer to the question of how much was earned the following was elicited and is probably correct: "We entertain from five to thirty men a day; we get from one to two dollars from each man, and he pays from half a dollar to two dollars to the saloon for the room. We get also a 'rake off' from the

*History of Prostitution, page 529.

drink he buys." This money was almost invariably spent foolishly as fast as earned.

The view-point of some of these women is thought-inducing. In answer to the writer's offer to stand back of one woman who was supporting a family so, she said: "If I leave this what shall I do?" "Work at something honest." "But I can not do anything except rough work." "Well, that will be honest." "Honest you call it? Honest? Yes, I work at scrubbing, I am looked down on as a scrub-woman; I get four dollars a week and wear rags. Here I work when I please, entertain whom I please, and I 'd rather take the treatment I get now than that which you offer me." "But your little girl; do you want her to follow you?" "No; and she never shall; I 'll kill her first; she shall never know; I will send her to school and pay her way myself; I don't want any charity."

At Elmira 89% of those received in twelve months had no steady means of securing a living and no trade; 85.5% of their parents had no accumulations.

Therefore it is not necessarily criminal nature that impels children with such improper food and such lack of money persistently to steal, or sell themselves in prostitution.* Also parents of homes like these will be unable to properly clothe children, give them the many little things a school child needs and the supervision which will insure regular attendance at lessons, so that even confirmed truancy is not an infallible sign of vicious nature.

With a small amount of money an efficient parent in a country home might struggle along, and keep the children from delinquency, but in a large city or small town it is more difficult, and the delinquent is characteristically a product of city and town life. Out of 130,000 in our reformatories 98% come from cities, towns, and villages, 2% from the open country. At the House of Refuge 78% come from the tenement region of New York. Most of the children at the New York Juvenile Asylum come from the lower East side; of 268 families

* Thirty-eight per cent of Ferrani's prostitutes were driven to it by poverty; see table referred to on page 24.

85% lived in tenements. Almost all the delinquents of Montclair come from the zones of cheap rents and crowded living. Note what this implies.

In answer to the question, Is the child of the slums less moral than the child of wealthy sections? a company of school-teachers unanimously said, "No; he is more moral." That was because they realized the temptations of slum life on a child. They were surprised that the slum youth does so well. For, as the following table shows, there is a larger ratio of crimes, of saloons, of illiteracy, and of persons per dwelling (which last is a strong cause of delinquency) in the slum than in the general city:

Baltimore.		Chicago.	
City.	Slum.	City.	Slum.
One crime to every 14 persons.	One crime to every 9 persons.	One crime to every 11 persons.	One crime to every 4 persons.
One saloon to every 229 persons.	One saloon to every 105 persons.	One saloon to every 212 persons.	One saloon to every 127 persons.
Illiterates 9.74% of the people.	Illiterates 19.60%.	Illiterates 4.63%.	Illiterates 25.37%.
Average number of persons per dwelling 6.02.	Averege number of persons per dwelling 7.71.	Average number of persons per dwelling 8.60.	Average number of persons per dwelling 15.51.

New York.		Philadelphia.	
City.	Slum.	City.	Slum.
One crime to every 18 persons.	One crime to every 6 persons.	One crime to every 18 persons.	One crime to every 13 persons.
One saloon to every 200 persons.	One saloon to every 129 persons.	One saloon to every 870 persons.	One saloon to every 502 persons.
Illiterates 7.69% of the people.	Illiterates 46.65%.	Illiterates 4.97%.	Illiterates 37.07%.
Average number of persons per dwelling 18.52.	Average number of persons per dwelling 37.79.	Average number of persons per dwelling 5.60.	Average number of persons per dwelling 7.34.

This then is the external location of the delinquent home and it is often so bad that not

even trained settlement workers would risk bringing their children up in it, were they given a good house and money enough to do so. Several cases have come to the writer's notice, — of young men specially trained and desirous of working in slum betterment work. Yet they were unable to withstand the influence of these surroundings. Some left the work, and thus barely saved themselves, others succumbed and became a part of the thing they had attempted to better. It is true that some of the apparently morbid offences spring from this environment; therefore the fact that the delinquent is below the average child in bodily, mental, and moral condition cannot be taken to indicate natural degeneracy when we know the locality of his home.

Also the data of orphanage strengthen this conclusion. Of delinquents examined by Raux 47.4% had lost father, mother or both.* In England 53% of the juvenile offenders were in effect orphans or semi-orphans.† An old study

* "Enfants Coupable," page 4.

† "Juvenile Offenders," Morrison, page 145.

of delinquents at Hartford found 66.6% orphans in fact or in effect.* At Waukesha only 41% had both parents living.† Of the delinquents at Bridewell 45% had no parent living. Sixty-six per cent of those at the House of Refuge were orphans in fact or effect, while only 46% of the New York Juvenile Asylum children had both parents living.‡ The State Home at Jamesburg reports 19% orphans or semi-orphans. And the report for the Reform School population of the United States gives 75% orphans or semi-orphans. At Elmira also 41.9% had left their homes before they were fifteen years of age.

Considering that these orphans were adrift in localities such as those described in the paragraphs preceding, we should expect recidivism in the children sent back without further help. Yet it is to be doubted if the condition of these orphans and deserted children is worse than some of those delinquents who have a "home." Under the paragraph on the economic condition of the delinquent the economic status of the

* "Report of the Joint Special Committee," Hartford, 1863.
† Cady, "Juvenile Offender."
‡ N.Y.J.A. fifty-first report, covering 49 years and 37,528 children.

home was seen to be markedly low. Much the same is true when we look at the moral and intellectual status of that home. It may be surprising to discover that the parents of the offender are often temperate. The Hebrew Shelter Refuge reported that out of the parents of seven hundred orphans, not one was intemperate. If this is true, it is not typical. At Jamesburg 11% of the children had one or both parents intemperate.* New York Juvenile Asylum reports 81% of the parents temperate; 15% one or both intemperate and 2% unknown. At the House of Refuge 47% of the inmates had one or both parents intemperate.† It should be understood, however, that many of the parents belonged to that class which, while not intemperate, like drink and use it steadily.

In other respects the parents are not so good. Of 385 families examined by Raux, 36% of the parents were of good repute, 52% poor or bad and 12% criminal.‡ Morrison says that 80% of the parents of English delinquents have crimi-

* Fifty-first report covering 49 years.
† Eightieth report, page 33.
‡ "Enfants Coupable," page 4.

nal or vicious habits; * that is, about 60% of the parents of delinquents are noticeably bad, and this viciousness is often expressed in cruelty to the child. Lydia VonWolfring, a German student of juveniles, describes the results on the children somewhat rhetorically, but truly, in her classification of injuries to children brought to court for relief, as follows:

(1.) Zufällige Misshandlungen.
(2.) Misshandlungen aus gehässigkeit mit böswilliger Absicht um zu Quälen, aber ohne den Tod veranlassen zu Wollen.
(3.) Misshandlungen mit der Absicht die Kinder dem Tode zuzuführen; ein langsamer Mord, nicht leicht zu beweisen.

The first caption of her classification, accidental ill-treatment, indicates the character of a relatively large number of the parents of the delinquents. When they are not vicious in intent, they are stupid, ignorant, or incompetent. Forty-five per cent of the Mitchellville Reformatory parents are described as incompetent.† They do not fulfil the elementary requirements

* "Juvenile Offenders," page 150.

† "What should be the age limit?" Pamphlet by Superintendent Fitzgerald.

of parentage. During the heat of summer many children with parents of this class die for lack of the most simple relief. The parents of the inmates of the House of Refuge are of foreign birth in almost 50% of cases, and most of these hardly speak English at all. They are of the immigrant type, sometimes described as the "scum" of our population; 95% of the parents of Elmira inmates are below high school grade in education, and only 7.6% of the inmates ever had a good home.*

In France this incompetence is shown by Raux as follows:

SITUATION MORALE DE L'ENFANT DANS LA FAMILLE.

Jeunes Délinquants.

Soumis à une surveillance normale	13%
" " " " faible " " " " impuissante " " " " brutale	41%
Moralement abandonnés Complètement "	38%
Excités au délit par l'exemple des parents Ayant commis le délit sous l'instigation et avec la complicité de leurs parents	8%

Only 13% of all examined had ordinary super-

* "The New York State Reformatory at Elmira," page 31.

vision by the parents; the rest were either allowed to drift into delinquency, or taught and initiated to criminality by their guardians.

Not only so, but the home itself possesses not even the bare necessities which help to keep the child off the streets. New York Juvenile Asylum reports that "some of their children come from cellars, lighted only by a stairway or coal shaft, some from garrets approached only by a ladder.* Other 'homes' have no furniture except a soap box, and in some cases a heap of rags serves for a bed. Some are found in cold rooms with no method of heating. Others depend on the chance help of neighbors. Often there are three families in three rooms, or a family of five in one room. In one case a mother and five children lived in one room and slept on the bare floor. As a rule, the parents belonged to that class who will not work at reputable labor, who like drink and yield easily to temptation."

Prof. Francis Wayland, dean of Yale Law School, speaking of those delinquents usually

* N.Y.J.A. report.

called inherently vicious or degenerate, says,* "These are trained in a school of vice, taught that successful crimes are the only things worth living for; praised when they 'make a haul;' punished when they come home empty-handed. Their homes are foul dens, filthy, full of vermin, and the scenes of infamous orgies of men and women." If, therefore, these children commit offences which are morbid or degenerate, we ought not to conclude that the children are by nature degenerates, criminal or atavistic. Such homes as these described by Professor Wayland are, of course, the exception. The writer has not found more than 3% which could be so described. In some of the worst homes the parents encouraged the children in prostitution, and by tacit if not by open teaching led them to steal, but the majority of dwellings were better than those described above.

The large per cent of homes shows rather negligence and tactlessness, than vicious intent. For example, in one home the father was a capable worker, but he drank, and lost his work

* "The duty of the State to its neglected and destitute children."

incessantly. The mother was ill. A child of ten was strapped to a chair "to keep her off the street." Another child was a delinquent. The mother did not know where he was. On the death of the mother the "home" was broken up; the delinquent boy was lost track of, and the children found shelter wherever they could.

Another "home" was that of a widowed woman and four children. She worked all day and the children were left to do as they pleased. Two of the four became delinquent. The other two barely escaped. The house was almost without furniture, and the mother rarely knew where the children were. One of the boys was in jail a whole week without her knowledge. When brought before the judge she wrung her hands and wept, and asserted that she was doing the best she could.

To recapitulate: (*a.*) The home of the delinquent is on an unstable basis. The children have so little money that habitual stealing can not be interpreted as an indication of natural viciousness. The family income is not sufficient to give the delinquent bare

necessities of life in a city, and it is in the city that the delinquent arises. His home is usually in the slum portion of the locality in which it is situated and in this slum influence the delinquent child, often an orphan, is really adrift. This in itself would explain all the normal offences which he commits. (*b.*) But the parents of the delinquent when not intemperate are often not moral. Over 50% of the parents show striking ethical weakness. They are often negligent and stupid, and often cruel to the children. Even when not negligent or immoral they are often markedly incompetent. Only 13% of the parents of French delinquents gave normal supervision to their children. Some, relatively few, train the children to a vicious or criminal life. And others not criminal, incompetent, or vicious have yet not personality or ability enough to cope with circumstances extraordinarily unfavorable. Under such parental guidance and with such surroundings, if a child commits offences which are morbid or degenerate in character, or if he shows confirmed recidivism we ought not to

conclude that he is therefore by nature either morbid, degenerate or criminal. Also, because the data (summarized on pages 25, 26) show that not more than 6% of the offences committed by juveniles are even morbid or degenerate in character, we may conclude that a study of the delinquent with respect to economic condition, orphanage, parental, and home conditions confirms the thesis that at least 90% of court offenders are normal, and shows how not only the normal but some of the morbid offences are the product of environment. It also gives us ground for believing that the morbid offenders are not more than 5% of first court delinquents, that some of these 5% of the whole are insane, and not more than 1 or 2% of the whole can be accurately called criminal by nature.

The necessity for classification; juvenile delinquents classified.

The need for some definite classification of malefactors has already appeared in the preceding. Before we can answer the question, Is the delinquent a normal child? we must know which delinquent is meant. We can not say that the abnormal offender is or is

not atavistic until we know which abnormal child is indicated. There are different kinds of delinquents; how shall we classify them?

Mornay Williams divides them into two classes: (1) the untrained cub; (2) the dull boy made criminal by society's treatment of him.*

Beyers observes two classes: (1) those due to neglect or incompetence of the home; (2) those due to incompetence of the State.†

Julius M. Mayer, justice of the Court of Special Sessions in New York, arranges them from a different standpoint, as: (1) mischievous children; (2) delinquents by temptation; (3) by bad associates; (4) by parental neglect or incompetency; (5) children with criminal tendencies, recidivists with no moral standard; (6) runaways and vagrants; (7) disorderly and ungovernable children; (8) children neglected or abused by parents.

From France comes another classification:

(*a.*) Vagabonds par tempérament.
(*b.*) Vagabonds par indolence.

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* "The Street Boy," pages 5, 6.
† Superintendent of the House of Refuge in an interview.

(*c.*) Vagabonds par occasion.
(*d.*) Les petits mendicants.
(*e.*) Les petits martyrs (probably meaning unfortunates).
(*f.*) Les petits prostituées.
(*g.*) Les petits voleurs.
(*h.*) Les petits assasins.

For the purposes of this paper we may classify the young offender as follows:

(1.) The delinquent by occasion, stumbling, or chance (an isolated act).
(2.) The delinquent by misfortune or destitution (in grave danger of delinquency).
(3.) The delinquent by parental incompetency (ignorant, tactless, or vicious parents).
(4.) The delinquent by contracted habit (junk pickers, etc.).
(5.) The delinquent by unequal economic struggle (negro *vs.* white; immigrant *vs.* native; poor class *vs.* well equipped).
(6.) The delinquent by effective environment (poor associates; poor oversight).
(7.) The delinquent by effective heredity (in narrow sense of neurotic tendencies).
(8.) The delinquent by congenital defect (accident of birth, etc.).
(9.) The delinquent by physical defect acquired (disease or mal-development).
(10.) The delinquent by mental defect acquired (disease, no training, mal-development).

And we may say that all of the first six classes are normal and not only can be but have

been cured by present methods. Some of the last four classes are morbid, some degenerate, some insane, and perhaps some of these are atavistic and criminal by nature. It is only in the relatively small number covered by these last four classes that the stigmata theory can be applied, and that application will be studied in Chapter II.

CHAPTER II.

THE CHILD BORN CENTURIES TOO LATE.

GENERAL thesis: (*a.*) The stigmata described by the Italian School are not stigmata of crime or type of crime but are stigmata of degeneracy or abnormality. (*b.*) The "natural" offender is not insane.

Summary of Chapter I.

We have found that there are certain peculiarities among young delinquents. These in first court offenders and among the inmates of the milder institutions are surely in 90% and probably in 98% of cases only mal-developments due to poor nutrition and the like. As we proceed to the study of the inmates of the sternest institutions we find an increase of these anomalies which may indicate natural criminality in some offenders. An examination of the environment of the juvenile shows that natural criminality is not as common as might be supposed. Still, there are

persons included in the last four classes given on page 51, who may be described as naturally criminal. And though these do not constitute more than 1 or 2% of first court offenders, they increase in number as we deal with older malefactors.

We now propose to examine the convicts, especially those who may be naturally criminal, to see if these peculiarities are so confined to offenders as to constitute marks of identification of crime or of types of crime. The question then is, are these stigmata of crime or are they indications of degeneracy, occurring also among the abnormal or insane who are not criminal?

The question to be treated in Chapter II.

The Italian School claims that the criminal, and therefore by implication the delinquent, is a person marked by typical body and mind; that his singularities (stigmata) have a causative significance, an evolutionary or atavistic connection, and discover not only the criminal but also the type of crime to which he is or will be addicted. It

The claim of the Italian School.

will put the claim fully before us if we look at the narrative of its rise.

Very early in history an extraordinary man was thought to have an unusual body — almost all founders of religion, for example, were supposed to have superhuman birth. An ugly body was associated with a bad man and a beautiful body belonged to the good. For instance, the Buddhist sources describe Gautama so: "The foot of Gautama came to the ground as lightly as if it had been cotton wool. His* fingers tapered gradually to the end. His arms were straight and so long that without bending he could touch his knee. The hair on his body was smooth, not rough nor straggling. His body was perfectly straight. The upper part of his body was full like that of a lion. He was sensitive to the slightest flavor. He had forty-two teeth. The sole of his feet touched the ground at all places alike. His nostrils

Historical development of the stigmata theory.

(*a.*) Hindoo sources.

* Spense Handy, "Manual of Buddhism," page 380. No addition to this is made in either Burmese, Chinese or Japanese descriptions of him. These nations rarely mention physiological singularities.

were high. His ears were long. His tongue was so long that by putting it out he could touch his forehead, or the orifices of his ears."

Here is revealed what we may call an appreciation of physical anomalies, and it is in such sources that the stigmata theory arises. Lombroso has a volume on the resemblances of genius and insanity, and it is interesting to note that several of the peculiarities described by the Italian School as stigmata of crime are here mentioned as characteristics of the Buddha. For example, long arms, hairy limbs, abnormal dentition (Buddha had forty-two teeth), flat-footedness and long ears have all been described by Lombroso as stigmata of crime. The criminal's lack of sensitiveness to flavors has also been noted, and one student has described the high nostril as a stigma of degeneracy.

(*b.*) Arabian sources.

As far as the writer discovered there are no physical descriptions of Confucius in the classical literature and the same is true with regard to Mahomet and the Koran. Hardly a trace of the appreciation of physical singularity appears beyond the

fact that female beauty is depicted, and incidentally the Queen of Saba is said to have had hairy limbs.* In Burton's "Arabian Nights" there are some faint shadowings of such appreciation, but on the whole Mohammedan sources are silent.

(c.) Hebrew sources.

In Hebrew literature there are more data. Ehud, the Benjamite assassin of King Eglon of Moab, is described as left-handed; Saul the hypochondriacal king was also a Benjamite.† Most of the savage men who became outlaws, the "lion-faced" warriors of David, were Benjamites, and the fighters of this tribe are described as ambidextrous. The Sodomites, homosexualists, were of the same tribe, as were also those sexual perverts who abused Lot's concubine to death. The ferocity of this horde is shown in Judges: with 33,000 men they beat combined Israel mustering 400,000 men. Their ancestor Benoni was prematurely born by the effect of sudden grief. Again, Goliath, a "man of great stature,"

* Al Koran, Chapters IV., XVI., XXVIII.

†Judges 3:15. 20:4–8. 1 Sam. 9:1. 1 Chron. 12:2. Gen. 35:16–18.

"a son of a giant," had six fingers on each hand and six toes on each foot. His sons were also giants, and one of them at least had four and twenty fingers and toes.

Now it is interesting to note that left handedness, ambidexterity, extra digitation and the moody temperament have all been connected by the Italian School with the physical idiosyncracies of the offender.

(*d.*) Greek sources.

The New Testament, though Greek in atmosphere, is not a Greek book. Not a clear physical description of any of its heroes or villains is given. But when we come to Homer these abound. His depiction of the obnoxious Thersites has become a classic in the literature of stigmata. "He was the ugliest man who came to Ilion; bandy-legged, lame on one foot, his round shoulders seemed drawn together on his chest, his head moreover was pointed" (keel-shaped), "and sparse was the wool that grew thereon."

This mention of the "keel-shaped" head in connection with moral obliquity is, perhaps, the first of its kind; and the "keel-shaped" head

has also been called a stigma of crime by the Italians.

But it was not until later that actual schools of physiognomists arise. Socrates (469 B.C.) was told by a member of such a school that his face indicated brutality, sensuousness, and drunkenness. It is said that Socrates agreed that these were natural tendencies of his. He declared also that the pale face and dark complexion of another man indicated a murderer. Hippocrates (460–476 B.C.), the celebrated physician, makes the surprising statement that all vice is the fruit of madness. Plato (429 B.C.) recognizes congenital tendencies so thoroughly that he builds his theory * of education upon them and declares that the wicked owe their wickedness to their physical organization.

(*e.*) Later Greek and European schools.

Aristotle (348 B.C.), born of a family of great physicians, recognizes physiognomic signs of vices and crimes, a connection between shape of head and mental disposition, as well as the hereditary character of criminal instincts. Galen

* Republic.

(130 A.D.), following Aristotle's views, inaugurated the experimental study of the brain and pointed out the influence of alcoholism in the production of crime.

During later centuries these facts became so generally known that proverbs appear like the old Roman and French sayings, "From the visage one may know the vice." "Little beard and little color, there is nothing worse under heaven." "Salute from afar the beardless man and the bearded woman." Medieval law even punished the uglier of two suspects.

Dalla Porta (16th century) laid scientific foundations; Gall (1758–77) did much to further this study, though Cuvier did not accept his teachings. And rightly so, for Gall connected his results with the exploded bubble of Phrenology. None the less, as Alchemy was the mother of Chemistry, so Phrenology was to Cerebral Physiology.

It was in 1859 that Broca instituted the Anthropological Society at Paris and the same year Darwin's "Origin of Species" appeared with the key of evolution fitting an enormous mass

of data concerning the criminal, collected by Lombroso of Italy. Lombroso accepted Darwin's theory and made it the basis of his book, "L'uomo Delinquente." The modern stigmata theory was fully launched. Scores of anthropologists agreed with Lombroso, also many disagreed thoroughly.

Summary of historical data.

That is, we see first the vague ideas of the ancients that exceptionally great or bad men have peculiar bodies. Then the semi-scientific men and keen thinkers see some nearer connection between physique and crime. Later, the physiological criminologist is acutely alive to this factor and searching to define it more exactly. At last the evolutionary idea furnishes a key and full theories spring to life. These divide into two schools: (1) The stigmata school applying to the extreme the ideas of Darwin, and declaring that the criminal can be discovered practically every time by certain stigmata; that even the type of criminal can be discovered without previous knowledge of any criminal act; that these stigmata are evolutionary in significance and

the criminal atavistic — related physically and psychologically to the savage and sub-human. (2) The more modern school, which accepts the fact that some criminals are anomalous in mind and body, but are not yet ready to say precisely how. It is the purpose of this chapter to describe more exactly the manner in which these singularities occur.

The claim of the Italian School with respect to detecting crime by stigmata.

This classification of the malefactor as atavistic, related to the savage and sub-human, is based on certain physical phenomena by which the Italian School declares that he can be picked out from a crowd — even before he has ever committed any crime — and proved to be at least an incipient offender. For example, Garafalo claims that if a strange criminal were in a crowd of strangers he could pick him out by these stigmata at the first effort eighty times out of a hundred.

But that is not all, not merely do they claim to discover a criminal so, but even to tell what crime he has perpetrated; and if he has not yet committed an offence they claim to tell what

kind of transgression he will be addicted to. Ferri, for example, gives a case in which he designated one man, an absolute stranger, from several hundred strangers and accused him of murder; the fellow confessed.

What then are these stigmata? Lombroso declares that the "born" criminal has projecting ears, thick head hair, a thin beard, projecting chin, large cheek bones, frequent gesticulation, and is a type of European resembling a Mongolian. Ferri declares the most marked feature of the criminal skull to be lack of symmetry. He finds three times as many anomalies of skull among criminals as among the soldiers of Italy and considers five anomalies to be rare in the normal soldier.

General stigmata. These stigmata tabulated.

Others of this school declare that crooked bony palates, abnormal teeth, peculiar, deflected or rectilinear nose, excessive Darwinian tubercles, strange facial wrinkles, and abnormal feet to be the shibboleths of the malefactor.

Examples of those stigmata which betray type of crime are given as follows: Murderers

and thieves have a decidedly inferior head with respect to shape. Dr. Tarnowskaia finds that female thieves have decided defects of the bony palate, and undeveloped teeth.

Stigmata of particular types of criminal.

It will be seen, therefore, that these claims can be tested with relative ease. It does not require technical skill and knowledge to understand or recognize these stigmata. In fact Garafalo was not a physician but a jurist of Naples. Anybody with the ordinary scientific training which the Physiology, Comparative Anatomy, and Biology of college courses give can test these claims. Also no stripping of the patient is necessary; only the head formation and the feet and hands need be examined. If a person reveals five or more of the stigmata above mentioned, he is a criminal, according to this claim, and if he shows decided inferiority of head, say six or seven of the above peculiarities, he is a murderer or a thief. If in addition a woman has defective bony palate and defective dentition in a striking

A statement of what is necessary, according to this school, to discover a criminal or his type of crime.

way she is a thief. In fact, one trained in the scientific course at a good university, after a little practice with palate examination, should be able to sit before a crowd and pick out all these stigmata without asking a question. For the formation of the cheek, mouth, and chin will so reveal the condition of palate and teeth that one with three weeks' practice can tell if the bony palate be strikingly abnormal. All the other stigmata except feet and hands are in plain sight.

Requirements of a test.

(*a.*) The normal population examined.

If these stigmata are searched for in the normal population and the percentage and ways of occurring are tabulated and the same thing repeated with dependents, with the insane, and with prisoners and juvenile offenders, the claims of the Italian School can be thoroughly tested. This was done by the writer. Repeated counts were made among student and popular audiences, with the following results: every single stigma mentioned by the Italian School as typical of the criminal was found among ordinary people. Some of them were

found in practically as large a per cent of cases among the normal as among the delinquent class; especially thick hair and abnormality of palate, for example. These were found in about 10% of cases. Outstanding ears and defective dentition were common. But it should be said that rarely were five or more of the above found in one person, and when such combination was found an examination of the personal and family history revealed a peculiarity, like insane taint, neurotic character or special ability in some lines. One example will suffice. A medical student had the high palate, the peculiar nose, thin beard, outstanding ears, prominent cheek bones, and a peculiar shaped head. The medical staff pointed him out as normal none the less. An examination of the family history revealed relatives of his on the list of patients in the insane asylum in which he was working. The writer had seen him speak before a private gathering of students when he was so markedly nervous as to excite sympathy among all present. He was also almost a genius in Bacteriology.

In actual examination there is always a point

reached when it is a question as to whether an individual shall be classed as having five of these stigmata. One or two may be there in such light form that it is doubtful whether they should be counted. But including all who had five such anomalies there were not more than 5% of the ordinary student and popular audiences who were so tabulated.

(*b.*) Results of an examination of older offenders show no stigmata of crime or type of crime.

Also, the inmates of Weathersfield Prison in Connecticut and the penitentiary in Caldwell, N.J., revealed similar results. There was on the whole a noticeable increase of physical peculiarities. The thick head hair, thin beard, prominent cheek bones, defective dentition, and inferior head forms were all more common. In addition to this was a pallor of face, owing perhaps to confinement, and a sinister expression, perhaps somewhat imagined by the observer. But when an actual count was made of those having five or more of the so-called stigmata of crime not more than 10% were discovered. That is, there were twice as many strikingly abnormal heads among old

prisoners as among the ordinary population. But it should be noted that there was no proof adduced that these were by nature criminal and absolutely no proof that these stigmata occurred in such a way as to discover type of crime with even an approximate accuracy. Such results, differing radically as they do from those of the Italian School, should be explicable before they are received, for the Italian anthropologists are among the best, if not quite the best, in the world.

It will be remembered that Lombroso worked almost entirely with adults of one race, the Italian. The writer's work, especially in New Jersey institutions, has enabled him to work with many Italian offenders, as well as with almost every other common race of men. He finds this true: Among the Italian criminals adults are found who are accurately described by Lombroso, *i.e.*, they have asymmetrical heads, thick hair, prominent frontal eminences, high cheek bones, big facial angle, large orbital capacity, abnormal facial hair, etc., and their history reveals something very like born crimi-

nality. They approach the Mongolian in appearance even as Lombroso claims.

One such man the writer has in mind, a finely built fellow full of life, strong and alert, with a ferocious face, as fine a set of teeth as ever were in a man's head, thirty-two white, shining, even teeth, and never a brush on them in his life. He was a typical born criminal according to the Italian School. But he is the only one yet found in an institution of 300 inmates.

Careful study leads the writer to conclude that Lombroso's claims are right with a few alterations. First, the Italian born criminal approaches this type — but not all criminals, for the writer has not yet found an Irish, English or American criminal who came under Lombroso's description. Secondly, Lombroso's stigmata will be found in as full a degree in Italian insane as in Italian malefactors. That is, they are marks of degeneracy, not of crime alone.

The basis of these peculiarities is not mere atavism, it is also race aggregation. The peculiar combination of peoples which has produced the Italian produces, when atavism acts, the Mon-

goloid type of degenerate, but when atavism acts on other races it produces a somewhat different type.

There is, therefore, no such radical difference as at first appears between the conclusions of Lombroso and those of the writer.

These results are in essential agreement with those published by the staff at Elmira. They report that though many stigmata are found there, they do not occur in such combinations as to indicate natural criminals or types of crime. At Rahway and the House of Refuge similar examinations were made by the writer. Again, anomalies were frequently found, especially inferiority and asymmetry of head formation. But in not more than 8% or 10% of cases did these occur in striking and sinister combinations, and there was no trace of a betrayal of type of crime by these stigmata. This was essentially the issue of a study of lighter offenders at George Junior Republic and similar places.

The results found in the Reformatory at Rahway and in the House of Refuge essentially agree with this.

The results found at the Children's Court

have already been stated.* There remains only to give the decisions of anthropologists who made especially careful examinations of the juvenile. No more thorough search has been made of the lighter offender than that of Hrdlicka, and his conclusion is as follows:

Anthropologists agree with these results.

"Abnormalities of the palate, ear, and male genitals are the most frequent. The variety of irregularities observed is very great. But there is no one, nor any one set of abnormalities, which runs through such a number of subjects that we could consider it typical of the asylum children or of any similar class. There is no abnormal type of individuals in the institution; whatever abnormal persons there may be are but exceptions. We have to deal here with a class of children the large majority of whom, so far as physical abnormalities are concerned, are fairly average individuals. There are many irregularities in the children which are due to neglect and can and ought to be corrected.† A

* Pages 8 *et seq.*, Chapter I.

†N.Y.J.A., forty-seventh report. Appendix.

small proportion of the inmates are children of unhealthy parents, as a result of which descendance they have fallen subject to states of malnutrition or to rachitis, which have left them with numerous physical abnormalities. I found no single child whom I could call a degenerate."

Maupate finds no stigmata of crime or type of crime.

Maupate of Paris has also made a thorough study of French delinquents with regard to stigmata of crime. His report is as follows:

(1.) "Chez les enfants à mauvais instincts on peut trouver un certain nombre des déformations décrités par l'école Italienne, mais elles existent dans un nombre de cas trop faible pour qu'on puisse les regarder comme characteristiques."

(2.) "D'ailleurs les enfants * aliénés pris dans le même mileau social présentent ces mêmes conformations dans une proportion identique."

(3.) "Il n'y a pas de rapport entre le degré de criminalité et l'intensité de déformations."

(4.) "La co-existence d'un certain nombre

* "Recherches d'anthropologie criminelle, chez l'enfant; criminalite et dégènerescence," par Dr. L. Maupate, page 223.

de ces signes chez le même individu, à laquelle Lombroso attache une certain importance, est rare."

(5.) "A plus forte raison n'existe-t-il pas une conformation spécial du visage ou du corps pour chaque varieté de criminel."

(6.) "Il n'y a donc pas de type physiologique du criminelle. Dans l'aspect d'un criminel il faut tenir compte des sentiments que reflête sa physiognomie, de la race à laquelle il appartient de son degré de dégènérescence."

(7.) "En génèral, ces enfants à mauvaise instincts étaitent aliénés sont physiquement et mentalment des dégènerés et l'étude de leurs antécédents vient corroborer cette idée."

(8.) "Mais la dégènérescence physique et mentale n'est pas chez eux en rapport avec le degré de criminalité; n'est pas plus intense chez eux que chez les enfants honnêtes et aliénés."

(9.) "Il n'existe pas donc aucun stigmate régressif ou dégènératif que nous permettre de reconnaître le criminel, et en l'internant dès son enfance, de prévenir le crime."

In summary we may say that these so-called

stigmata of crime have been found to some degree in the normal population, but in not more than 5% of cases were they in striking numbers and combinations in one individual. And in such individuals they occurred with some singularity of disposition not necessarily criminal or morbid. They are found also among the older offenders in larger numbers and more baneful combinations, but not in more than 10% of cases do they occur in strikingly abnormal numbers, and in such individuals they do not occur so as to indicate natural criminality or type of crime. The same is true to a greater degree of the milder offenders, like those of Rahway or the House of Refuge. But when we descend to the inmates of the mildest institutions we find the report of Maupate to be characteristic, *i.e.*, there are in children with bad instincts a certain number of deformations described by the Italian School as stigmata of crime, but they do not exist in such a way as to be characteristic. Other children of the same

A summary of the facts before stated leads to the conclusion that the stigmata described by Lombroso are not approximately accurate signs of crime or types of crime.

state, not criminal, present the same deformations in identical proportion. There is no relation between the degree of criminality and the intensity of the stigmata. The occurrence of these stigmata in such combinations as Lombroso describes is rare.

There is no strong reason for supposing a special conformation of physique to be characteristic of a special type of crime. There is then no physiological type of delinquent.

An examination of the insane shows that the so-called stigmata of crime are found in insane who are not criminal and therefore these peculiarities can not be accepted as marks of crime or types of crime.

In spite of the strong supposition which these data show against the stigmata school, their position would not be undoubtedly refuted unless it could be shown clearly that even if the stigmata which they discovered were found in such numbers and combinations as they describe, they are found in at least as great numbers and as sinister combinations in others who are not criminal. If, however, this can be done, their position becomes untenable. The realm of insanity offers the proof that the so-called stigmata of crime occur there in at least

as baneful and numerous combinations as among the offenders.

The State Insane Asylum at Middletown contains about 1,100 patients. Most of these were examined with sufficient care to note the occurrence of stigmata. A hundred of them, fifty men and fifty women, were examined carefully by the writer and the singularities tabulated. With the result that every stigma save one described by the Italian School was found there in at least as great numbers and as sinister combinations as Lombroso reports of the criminal. Projecting ears, thick head hair, thin beard, abnormal hair on female faces, projecting frontal eminences, large jaws, prognathous jaws, large cheek bones, and frequent gesticulations were found in more than 15% of cases. At least one stigma not mentioned elsewhere to the writer's knowledge was discovered, and the percentage of strikingly abnormal, grotesque heads was greater than that observed in any penal institution.

The inmates of Connecticut State Insane Asylum show these stigmata in as great numbers and in as sinister combinations as the criminals of Lombroso.

Thick head hair was found in about 14% of cases examined. Thin beard, especially in the region extending from the end of the lip hair to the cephalad angle of the jaw, was found in 15% of cases at least, and some of the faces examined had practically no beard (see appendix, Plate II.). Projecting frontal eminences occurred in about 14% of cases and sometimes very striking examples were found (see appendix, Plate VII.). The enormous jaws described by Lombroso were seen in 12% of cases and also noteworthy specimens of this occurred (see Plate V., b). Projecting cheek bones were common (see Plate V., b).* And the last mentioned, namely, frequent gesticulation, is so ubiquitous that it would be futile even to count the percentage. Patients of the excitable kind have gesticulations of all varieties occurring sometimes the whole day long and half the night. Abnormal hair on female faces was found in 15% of cases (see Plate III.), and in such a way as to

Particular anomalies were found in as large a per cent of cases as in criminals.

* All these sketches are as faithful and accurate as the writer could make. Special care was taken not to exaggerate anomalies.

indicate to the writer that this hair appears often on female faces about the time of climacteric. Facial wrinkles not due to age were common (see Plate IV.). Deflected and abnormal noses are shown on Plates II., III., V., a, VI., VII., appendix. These were numerous. While abnormal heads, heads with five anomalies, amounted to at least 20%. Some of these heads are so grotesque as to be beyond description. Even photographs do not give more than a suggestion. Take those shown on Plates VII., appendix; the female head can be likened to nothing better than an elongated melon standing vertically on the shoulders. There is hardly a normal part to it. The same is true of the male head, with the exception that this is dolichocephalic to an exaggerated degree, while the former is brachycephalic to a grotesque extent.

Surely in the face of such facts no one can accept fully the statement of the Italian School that an "incontestable inferiority of head formation is characteristic of thieves," or that people in whom five or more of the above mentioned

abnormalities are present must therefore be criminals.

Nor is the statement that abnormality of bony palate betrays female thieves otherwise. Over 15% of the palates of insane patients were abnormal and the dentition was noticeably defective in at least as many. Is it not reasonable to suppose that the teeth of women thieves and of insane patients would naturally be defective when we recall how much care is necessary to preserve them in the normal person? For example, whenever the inside of the mouth of a criminal was examined by the writer, the following question was asked. The standpoint of the criminal may be seen from the answer. "Did you ever in your life brush your teeth?" "No, — I ain't much of a sport, I just ——" (The blank was filled in by curving the index finger, opening the mouth, and making a sweeping curve in the orifice.) The implication was that he scooped the débris from his teeth cavities by aid of his long finger-nails or table knife. "But this is not a matter of 'sportiness,' it does n't make any difference

about your looks; it is your digestion I am thinking of." A surprised and incredulous expression follows and then after further conversation our friend decides to clean his teeth. But when he learns it must be done on rising and retiring as well as after every meal, he weakens, and invariably we say: "Well, do it before you go to bed." Then comes the reply: "We have no brush and no powder." The examiner is compelled to tell them to use a towel with a little soap, or even the bare finger. How in the face of these facts can we expect criminal teeth to be good, when we remember that the slightest displacement facilitates decay and the loss of one tooth may cause the rest to grow crooked and even affect the hard palate? The same is true of the insane. Many examples of abnormal dentition were found, as "wolf teeth," "syphilitic teeth," and teeth out of place. Picture a, Plate IV., reveals teeth so misplaced that the lips could not cover them; while the female on Plate VII. had her teeth arranged in two rows, one behind the other.

The high "V-shaped" palate and the palate

with the deflected or meandering ridge line were plentiful; so much so that the V-shaped palate has been called characteristic of the insane. It occurred in 15% at least of the cases. A medical friend and the writer took wax imprints, arranged and photographed the plaster models of forty-two palates, some of which were not of insane patients, in order to compare them with the statement of the Italian School. We found many kinds of abnormality present, some in striking degree. Photographs of these palates are given on Plate IX., appendix, and their deviation from even ordinarily normal palates can be seen by a comparison with the three at the bottom, which are fairly regular and belong to people not insane or criminal.

Can it then be held without reserve that defects in the bony palate and teeth, even when occurring with the other stigmata, in striking intensity, indicate thieves? All the patients whose photographs are given, which represent about 10% of the whole, were so abnormal as to catch the eye at once; some few of them have hardly a normal part to the head and there are

many besides this 10% who would have more than five abnormalities. Is not the claim of the Italian School to be received with reservation therefore?

Not only so, but one of the stigmata described by Lombroso was not present in 10% of the cases, either in the offenders or in the insane; that is the prominent Darwinian tubercle. The ears were easily examined, flapping ears, elongated, attached lobes and those described as "blood ears," namely, the whole ear apparently swollen and its parts thus contracted until the orifice was almost closed; all these were found, but the Darwinian tubercle was not found in the insane or in the criminal in as prominent a degree as in the normal population.

One stigma not mentioned by any school to the writer's knowledge was discovered, namely, the almond-shaped nostril, shown on Plate VII., appendix. The septum is not noticeably deflected, but the ala are shortened and so shaped that a horizontal lateral view reveals an almond-shaped orifice with the point cephalad or the reverse. This was found in at least 12% of cases

and was accepted by some of the physicians of the staff as a probable stigma of degeneracy.

There were also strikingly abnormal feet (for instance Plate X.), feet having twelve toes. Other unusual defects were observed, as the peculiar coloring of the face on Plate X. The patient was black and white, and suggested the markings of an animal.

Summary and conclusion that the stigmata of Lombroso are not characteristic of crime alone.

To sum up this section of the insane, all the stigmata which Lombroso and his followers claimed to be characteristic of the criminal have been found in the insane, and found there in at least as great numbers and in as sinister combinations as the Italian School claimed for the offender. One stigma, the prominent Darwinian tubercle, claimed as a mark of crime by this school, was not found as intense among the insane or malefactors as in the normal population. But another not mentioned by the Italian students was found in the insane.

To gather up the data under stigmata we find that beginning with the normal child, advancing through the older normal person to the youngest

and mildest offender and from these through the grades of malefactors up to the oldest and most deeply involved, and again from these into the realm of the insane, there is on the whole a steady increase in the number and sinister combinations of physical anomalies. The oldest and deepest criminal has more stigmata than any of the above classes except the insane. Those forms of insanity usually considered congenital, however, have much more grotesqueness of physique than the deepest of crime. From nature's standpoint insanity of the congenital kind is a greater degeneracy than the worst crime.

We may therefore conclude that if these stigmata were found as described by Lombroso they are not characteristic of criminals alone, but probably of degeneracy of all kinds.

B. The occurrence of these stigmata among the insane raises the question, Is the natural criminal insane? And if we would understand the nature of delinquency we must answer this question.

Is the offender then insane? That depends upon what we mean by the term. In a very true sense there are few men perfectly sane. We are all somewhat insane in spots and streaks, sometimes in whole areas. But in the sense accepted by the medical men,

accurately and not metaphorically, is the malefactor insane? Again we repeat, most are not. Fully 95% of first court offenders are thoroughly sane. Of the residue some are insane in the accepted medical sense; they are not the "natural" criminals. Of the others, the genuine criminals, we must hesitate before we answer. We must not name them insane without a mental reservation. We must compare the psychoses of each.

The subtlety of the insane taint is very great.

The subtlety of the insane taint is almost incredible to laymen. One may know a deeply tainted person intimately for months and never suspect his insanity, when suddenly it will blaze up and pass away, leaving one wondering if his eyes have deceived him. Even physicians are puzzled. One patient escaped from an asylum, passed a medical examination, and joined the army without detection. A young man in a settlement club, led by the writer, began to steal and become delinquent in other ways. His mother watched him closely, and was convinced that something was wrong with his mentality.

She had him examined by the family physicians and others. All sniffed at the idea of mental disturbance and said that he was no more insane than they. The boy was committed at the suggestion of expert alienists to an asylum. He apparently recovered from his criminal tendencies and was returned to his parents. He attended business for some months and was one day sent home ill. He had broken down nervously. This time there was no criminal act, but only the presence of delusions. There seemed to be little probability of recovery, and the physicians now recognize that the outbreak of criminality was the first stage of the disease.

In the realm of epileptic insanity even a careful observer may be deceived. The writer has studied in the epileptic ward and clearly recognized the existence of an epileptic temperament, *i.e.*, one characterized by vagarious irritability and violence. For example, a person may step up to a patient and in the pleasantest manner say, "Good morning. It is a nice day." At once the eyes of the patient blaze and a whistling blow right from the shoulder follows forthwith

unless the experimenter is unusually adept at dodging. Now let this temperament occur in veiled form, as it often does, and the patient is doomed to prison and punishment as a criminal. The writer can point out case after case of this among his criminals: Men brought from the cell in a cold sweat of nervousness, then refusing the politest and kindliest approach, and replying with abuse and violence to courteous requests. They are often described as incorrigible, yet the touch of my hand revealed the twitching nerves, feverish blood, and general physical condition of a neurotic patient. Under his criminal acts and the cause of them was the insane taint.

Notice this taint as it is expressed in the most beautiful of Oscar Wilde's works. He was sent to prison, yet he has a taint of something like insanity, and his photographs betray stigmata. The same may be said of Dean Swift and Swedenborg after a certain period of their lives.

Again, the fact that crime and insanity may result from wounds, toxics, overstrains, first

stages of disease, and even the upheavals of first child-bearing, so that both crime and insanity may run in the line of eldest sons, these facts have led men to class both as essentially alike. Yet there is one obstinate fact which constantly arises, — if they are both the same, why are not their phenomena identical? Why is one undoubtedly crime and the other indubitable insanity?

The fact that crime and insanity often have like sources has wrongly led some to identify the two.

There is often a criminal disposition in the insane. They would certainly break laws if not confined. And there is also an insane disposition among some criminals. Dr. Richter proved that 26–28% of the murderers brought before the bar, sentenced and punished for crime, were really insane at the time of the criminal act. Few will doubt this common borderland after reading the bizarre characters actually existing as described by Krafft-Ebbing, persons to whom coition with a corpse was preferable, men to whom murder with mutilation, hair snipping and the like, brought the same physical results

There is a borderland where both meet.

that the sexual act brings to the normal man. Surely there is insanity there! But this on close study is seen to be only the juncture of two neighboring realms. There is still a question when we follow the diverging lines of crime and insanity.

Nowhere do these diverging lines differ so widely as in the realm of premeditation. Many criminologists, notably Ferri, have asserted that premeditation and cunning plot are not infallible tests of crime. They are not even tests of sanity. In the insane one will often see premeditation and great cunning carried on for months in an apparently rational way. Much evidence of this was seen by the writer in an asylum. But when one studies the consummation of the insane premeditation and plot there is almost always an essential link left out. Both remind one of the cunning and instinct of a fox. For when these are really matched against a keen student and sane man who is putting his attention on them they fail utterly. Any such man who knows his business and puts all his time and energy to

Premeditation and plot are not sure sign of crime.

capturing a fox will realize that the realm of Reynard's cunning is limited and he can be caught with the simplest device. So of the criminal and the insane. They seem exceedingly cunning because they put all their energy to the task and take into account details which the ordinary man would not consider. But the premeditation and cunning of the insane and the criminal are different. One is characterized by an irrational taint, the other is rational from the criminal's standpoint.

Physical and moral insensibility in the insane are not the same as in the criminal.

In the realm of physical and moral insensibility we find again confusions incident to a borderland; so that here especially we find the words, "arrested development," "criminal by nature," "insane," "savage," and "subhuman" used. It is therefore necessary to put the phenomena close beside each other and differentiate.

In every correctional institution of a serious grade we find more or less physical and moral lack of sensibility. As a sample of moral dulness take the following: "M —— is physically

very backward, was thirteen years old at committal, but weighed only sixty-one pounds. Was almost three years old before he was able to walk. Forehead very small, lower jaw well developed, eyes unsteady, front teeth decayed, is very irritable, and his moral defects come out under the slightest provocation. He has already gone through all stages of immorality, is very untruthful, is cruel to animals, and has a tendency to everything that is bad. Talks incoherently, often changing the subject." *

This reads almost exactly like a case of insanity. Again, another type which shows anything but insanity. H—— was a pickpocket and thief with whom the writer became well acquainted. His view of life was most interesting, and typifies a large number of "professional" criminals. We were talking of the ethics of thieving and H —— said: "You are a minister, another man is a lawyer, and another a judge; I am a rustler. Well, I am as good as any of you, and if it were not for the likes of me you would all be out of a job." In the

* Thirty-second annual report of Newark City Home, page 23.

sterner institutions the percentage of these increases until it may reach, as at Elmira, 34.25% who are totally unsusceptible to moral education. Or again, as Speranza reports, "There are children born of orgies, who at a tender age look at suicide as a good way out, juvenile alcoholists, boy recidivists at ten years old; boys and girls past masters of crime. If you say that there is hope for these you do not know them. They are not to be confounded with the merely bad." * In the adult stage this moral and physical insensibility is often colossal. The malefactor will pray to God for blessing on a crime. Of the proceeds of theft or prostitution a part is given to the priest or church. In danger and in suffering this kind of offender is often indifferent — walking miles on broken ankles, undergoing painful operations with no sign of wincing and surviving ghastly wounds.

In the insane we see similar phenomena. The writer has watched patients who spent all their time in devotions, even quoting scripture by the chapter while claiming to be queen of

* "Criminality in Children." Small pamphlet.

Heaven, and then attempting acts of violence and obscenity. They also pray to God for blessing on insane and revolting acts. In danger they are oblivious, and in suffering either supersensitive or indifferent. The writer has seen an insane patient undergoing a painful operation; the patient was so ill that he could not rise from the bed, and as the instrument entered his flesh there was barely a wince. In answer to the question as to how he felt he answered with a vivacious smile that he was all right, — never felt better in his life. This conduct he kept up until dying.

Similar phenomena exist among savages and semi-civilized peoples.

In savages similar manifestations appear. Fink gives a volume of data showing that while they love in one sense that love is so mixed with cruelty and brutality that it can not be called love as we understand it. The thesis of this book is that among savages and semi-civilized peoples there is no such thing as affection (that is, love in our sense of the term).* Sir Samuel Baker after years of acquaintance with African

* "Primitive Love and Love Stories;" also "The Albert N'yanza Great Basin of the Nile," etc.

savages says: "There is no such thing as *love* in these countries: the feeling is not understood, nor does it exist in the shape in which we understand it." With all their religious ecstacy the savages are often unspeakably brutal. The very names of their gods reveal the character of their religious concepts: "The Murderer," "The Human Brain Eater," etc.

From Count de Warren's book, "British India in 1831," there comes the description of the community of Phansegars, a religious and economical society which had existed for ages, and one of whose principal ceremonies was murder. Its devotees were pledged to strangle all that they could.*

Roosevelt tells the same story of brutality mixed with religion.† Indeed, it is a common fact that religion and morality are two entirely unconnected things in primitive religions. Also every brutality which could be thought of has been connected with both love and religion.‡

* Quoted fully by Eugene Sue in "The Wandering Jew," Vol. 1.

† "Winning of the West," Vol. 1, page 95.

‡ See Herbert Spencer's "Synthetic Philosophy," Vol. 1, for full data.

Another sample of physical insensibility is the Maori who cut off his toes to fit on a new boot offered him. In a word, there is no lack of data to show that the savage is morally and physically blunted in feeling.

In another direction these phenomena are like those observed in children. Children believe in gods and pray to these divinities. But that is not inconsistent with immorality until they are taught, "God does not like so and so." In their affection they are fickle and often alternate protestations of love with actions of rage or hate against the beloved. They will torture animals just to see what will happen. Often has the writer seen boys try to drown a snake or see if its head would snap off, or gather a number of snakes and roast them alive to watch their writhing. Nor is it uncommon to see a child hold a puppy by the tail to see if its eyes will drop out, or stone cats or dogs which belong to another, fighting bitterly if his own are hurt. It is to be doubted if a child has any moral sensitiveness until he is taught, often only by much patience, the funda-

Similar phenomena are observed also in children.

mental precepts of morality. And when one considers the disvulnerability of children it is surprising how much pain a vigorous youngster can bear. Operations which are serious or fatal in adult life can be easily performed in infancy. The writer has seen extra fingers taken off in babyhood with hardly a sign of pain. This would certainly imply that children do not suffer as keenly as an adult in the same position; the nerves are not fully awake and a certain amount of insensibility results.

These phenomena are similar, but not identical.

That is, the criminal is often dull in response to pain or moral impulses, and similar phenomena are observed in the insane, in savages, and in children, but can we conclude that this similarity is identity? No, there is one fundamental difference at least. When there is physical and moral insensibility in the insane there is almost always lack of physical or nervous health. The blood is poor, the digestion impaired. But when the criminal of this class bears pain his body is not diseased in that sense. He is more like the savage and the child. So, too, of the moral obtuseness of the

insane, as compared with that of the criminal, savage, and the child. In the case of the insane it is grotesque and irrational to its base; with the criminal, the savage, and the child it is not irrational from their standpoint.

The natural criminal is more accurately understood as a phenomenon of atavism. Few indeed are they in numbers and difficult to isolate with certainty. But, given the presence of a sinister combination of stigmata, the fact of persistent and degenerate crime apparently for the love of it and we may be fairly sure that we have a "born" or natural criminal in our hands. He is as interesting as a human tiger or ganoid born in modern days. He is essentially a savage irrevocably bound to the savage world by physique and mind. The call of the wild always allures him, and the blood thirst is part of his nature. Living ages ago he would have made a strong man for society in the rough — but now he is a child born centuries too late.

We are now ready to answer the question, Is the "natural" criminal insane? We have found that he possesses stigmata identical with

those of insanity and degeneracy. There is often a criminal disposition in the insane, and an insane disposition in the malefactor. Crime and insanity may result from the same causes and may be transmitted by heredity. Premeditation and plot occur in the insane and criminal, but in one it is rational, in the other irrational. Physical and moral insensibility occur in both, but in the insane it is accompanied by illness; in the criminal it is not. And when this dulness occurs in savages and in children there is not an attendant illness. We may therefore conclude that while natural criminality has some of the phenomena of insanity it differs so much in other ways that this type of criminal can not be called insane unless we enlarge our definition to include persons who, while irregular in exterior physique, are yet rational enough though on a low moral basis.

Summary and conclusions. "The natural" criminal is not insane unless we enlarge our definition.

We may also conclude from the data above summarized that the stigmata named by the Italian School as marks of crime and type of crime are not such, but only stigmata of de-

generacy or abnormality. Given these alone we could not tell surely that their possessor was a criminal; nor could we tell his type of crime. But given these and the fact of crime we might well infer that the offender was, if not insane or morbid, a "natural" criminal, and thus know better what to do with him.

Before there can be any sound claim to stigmata of criminality or type of crime, these "natural" criminals must be isolated, their external anomalies reclassified and then in addition some more subtle abnormalities, such as condition of blood, soundness of mind, differentiation of congenital abnormalities from those caused by such things as adenoid growths, mouth breathing, mal-occlusion or extraction of teeth and the like, must be found to classify them. Until such things are done it will seem unwise to put much emphasis on the general theory of Lombroso in the treatment of the delinquent.

CHAPTER III.

THE OCTOPUS WHOSE ARMS REACH EVERYWHERE.

The difficulty of isolating a sufficient cause.

THE more one studies an actual case of delinquency the more difficult it becomes to isolate a concrete and sufficient cause. Suppose the child is convicted of theft. A search reveals poverty which incited the theft; then illness or misfortune which caused poverty. But underneath this was a poor physique always susceptible to illness. Beyond the physical were perhaps bad habits causing this state, and finally great lack of training, initiative and oversight on the part of the parents which allowed incipient illness and weakness of will to spoil the boy who could have been saved by wise oversight. This is a comparatively simple case, yet it is not easy to give one cause, for if the boy had had sufficient

calibre he could have dominated his circumstances at every point.

The three great factors at the root of delinquency.

It would take a volume on the psychological phases of heredity, will, and environment to trace the operation of these three great factors as they cause offences, for the further back we go the more clear it becomes that delinquency has its rise in the sub-normal, abnormal, or renitant factors of will, heredity, and environment. In any concrete subject it is impossible to tell exactly what part these three factors have played. We can only say here that in every case of delinquency there is something wrong with will, or heredity, or environment, or all three.

The need of an outline of causes; outline.

Suppose for purposes of clearer study we arrange under will, all individual causes; under heredity, dispositional and physiological causes; under environment, all economic, social, and physical causes. We shall then have an outline for practical study as follows:

CAUSES OF DELINQUENCY.

THE SUB-NORMAL, ABNORMAL, AND RENITANT FACTORS OF

ENVIRONMENT.	HEREDITY.	WILL.
I. *Physical Causes.* (*a.*) Geographical. (*b.*) Climatic. (*c.*) Temperature. II. *Social Causes.* (*a.*) Social progress. (*b.*) " machinery. (*c.*) Defective correctional institutions. (*d.*) Defective education. (*e.*) Immigration. III. *Economic Causes.* (*a.*) Unequal economic struggle. (*b.*) Crises. (*c.*) Competition. 1. Evolution of production. 2. Trades unions. 3. Discounting of brawn. 4. Centralization of population. 5. Relative poverty. 6. The tramp life.	IV. *Dispositional Causes.* (*a.*) Normal. (*b.*) Abnormal. V. *Physiological Causes.* (*a.*) Normal. (*b.*) Abnormal.	VI. *Individual Causes.* (*a.*) Bad habits. 1. Intoxicants. 2. Tobacco. 3. Drugs. 4. Sex habits. 5. Bad Associates. 6. Lax honesty. 7. Gambling.

VII. *Family Causes*—The non or semi-functionary home.
(*a.*) The incompetent home. (*b.*) The borderlanders' home. (*c.*) The vicious home.

The first six captions will be set forth largely without indicating their bearing on the home, until in the summary the data will be used to introduce caption VII.

It can not be claimed that this outline is in strict accord with facts. For example, not all dispositional causes are due to heredity alone, and not all bad habits are due to weak will alone. Also, it is often a matter of choice whether to include a cause under social or economic captions, as for instance immigration. Almost all social causes are economic in impulse, or are colored by economic conditions. But taking this as a working plan to get the field before us let us begin with the more remote forces, those included under the caption "Physical Causes."

I. PHYSICAL CAUSES OF DELINQUENCY.

(*a.*) Geographical.

The territory of feuds and moonshining is always isolated. It is in the secluded mountain regions that the still is operated. Why? Corn will bring at the distant market about a dollar a bushel. But to

get this it must be carted over miles of rough road. The people of these regions are so poor that very few have horses; the corn must be carried on the backs of men sometimes ten or fifteen miles. Supplies and medicines must come over the same roads. Physicians are almost unknown. Now if corn can be transformed into whiskey it becomes a common medium of exchange, taking the place of money. It is more easily transported, and it forms the chief medicine of the locality. To get the corn in the shape of whiskey the whole family is put on the side of lawlessness and the children taught to believe that they have a right to violate the license law at least. Perhaps they are right and the law here unjust, but the fact is, delinquency is caused among an otherwise honest and hard-working people largely by the accident of isolated geographical position.

Much the same is true of the feud region. This form of violence flourishes in isolated places where life is stagnant. Ancient insults are treasured from generation to generation; children too

(*a.*) Geographical causes in the land of feuds.

young to understand the insult are trained to kill. Not only so, but the atmosphere of such places is usually one of ignorance, petty loafing and shiftlessness, which is very favorable to delinquency. Do but open up the locality to fresh currents of life, by means of a good road, telegraph, telephone, or railroad, and the whole is changed by mobility of population, new interests, and obliteration of old ruts.

(*a.*) 2. Geographical causes in the isolated pleasure resort, the military station, etc.

Isolated pleasure resorts bring their flood of a temporary population. This often induces also a number of "catch pennies," "fakirs," and the like, so that even when the place is a remote fishing village the legacy left by the summer visitors is bad. Some of these villages in the Adirondacks, White Mountains, or near Greenwood Lake, for instance, are so bad that, as one sociologist put it, "The only cure would be to set fire to the whole village and drive the inmates like vermin from their holes."

Military and naval stations are chosen for their geographical situation. Around them

spring the low saloon and dive. In such places crime is always high and where crime is high delinquency is high also.

(*b.*) Climate and (*c.*) Temperature as causes of delinquency.

Disconnected as it seems at first sight, climate as well as temperature have causative factors in delinquency. Krafft-Ebbing, Ellis, and others show that offences tend to rise with the thermometer. Most rebellions have taken place in the hot months. In a warm climate puberty comes earlier, and thus brings its turmoil on a child less mature. Climate will change the moderate drinker of Europe to a drunkard when he comes to America with its extremes of temperature, which force men to do a year's work in nine months, and thus set the famed and nervous pace to which we are accustomed.

II. SOCIAL CAUSES.

Social factors causing delinquency.

(*a.*) Social progress.

There is in society an upward impulse which has elevated some peoples above the savage. Customs which were once unwritten and vaguely recognized have become definitely crystallized into laws

and statutes. As a society increases in civilization these laws become more complex, and when men gather in centres of population many statutes which did not seem necessary before are now imperative. The progress of society, in a word, results in at least increased number and complexity of laws. Each child must adjust himself so that he avoids all breaking of law or he becomes a delinquent. This developed law system covers every part of the ordinary life and unless a child is well balanced or well shielded he comes in opposition to the law at some point. With one the weakness may be sex immorality; another finds it hard to be sufficiently honest; another can not bear to be held down to regular school work, and he therefore becomes truant and a little vagrant. Still others have a quarrelsome or violent temperament, or again it is a weak will that can "resist anything but temptation." Each child passes through a period of immaturity when he is very apt to clash with the rights of others. He can not accommodate himself to this developed social code. Often he does not even under-

stand what it forbids. Many children come before the court and the charge has to be carefully explained to them. Instead of asking a child whether he is guilty or not the judge usually says, after explanation, "Did you do that?" With simpler codes and a less developed or complete system the child would escape, but the standard, through social progress, has become relatively so high that it needs training to bring a child up to it.

(*b.*) Social machinery produces delinquency as a by-product.

Few people realize the amount of waste the raising of such a standard involves. The Pall Mall Gazette gives 150,000 officially registered insane in Britain and calculates 100,000 more not registered because they can afford private treatment.* There were 6,000 registered insane in New Jersey alone and 4,000 under private treatment.†

In the 232 children's agencies of New York there are 40,000 juveniles dependent on these institutions for parent and home. In 1893

* "Is Co-operation among Charities Desirable?" C. M. Kellog, pamphlet.

† "Address of Commissioner Wight," Newark, December, 1905.

there were 40,000 prostitutes in New York City alone and that means (five fallen men to one fallen woman) 200,000 men in and about New York who habitually visit these. We have in America, as well as in foreign lands, criminal societies, like Maffia and Mana Nigra,— hundreds of thousands of criminals and borderlanders and paupers. There are 250,000 people in the United States alone making their living in part at least from crime, and 82,329 living behind prison bars.

All this is just as much a by-product of our social machinery as the noxious odor is of a tannery. The juvenile is subjected to the influences which cause this waste, and the result is that 20% of the boys living in American cities become delinquent between the ages of ten and fifteen.

(c.) Defective correctional institutions fail to prevent some, and increase other delinquencies.

The State is often as incompetent as the worst parents in its dealings with the young offender. This, when we remember that some parents train their children to crime, seems like rhetorical language. But

many of the men most closely in touch with correctional methods will agree to the statement that the State is manufacturing criminals as fast as it can with its limitations, *i.e.*, it must not avowedly or meaningly go into the criminal-making profession. Notice the treatment of some offenders. For example, it is a common thing to have prisoners brought out of the cell for anthropological examination. Trembling not with fear but with nervousness induced by the cell life, hands clammy, muscles twitching, here is a man on the verge of collapse. Let a sudden or strange noise occur in the prison and these men jump like frightened rabbits and are almost in panic. Breath disordered, teeth uncleaned, hands stained by nicotine — a man going to rot for sheer lack of a human activity. He wants the work and gladly does anything for a diversion. Sometimes it is a German peasant, with frank blue eyes and honest face. He drank a little too much and was gathered in with the "common drunks" and sent here for thirty days. He tells you that in all his life he never was arrested before, and almost heart-

broken he goes to the cell. Come now after twenty days or so and you find your man changed. The prison look is on him, he no longer meets your eye frankly. He has learned that there are hundreds here and it is not so bad after all. He has heard the call of the low and been forced to listen to it day and night. It will ring in his ears now for all his life and when he would forget it some ignorant person says "jail bird," and he remembers again.

(c.) 1. Police courts.

In the police courts it is not an uncommon sight to see the court room so crowded with children that there is not enough time to finish their cases that day. Yet this is attempted. In five minutes the decision is made which starts the child on a new career. If he has a clever counsel he gets off, for the judge is too busy to hunt up all the details. It takes at least all afternoon to examine ten men for anthropological data. Yet the writer has seen over eighty cases of children decided by a judge in one session of the court lasting from 9 A.M. to 2 P.M. No careful student would

think of classifying a case in ten minutes, and yet this judge decides the fate of a boy's whole existence and does it with less time and attention than the ordinary woman takes to buy a roll of wall-paper for her house. Sometimes the court officials bandy the boy about his toughness while the busy judge is reading a brief note of what the offender has done. Several times the writer has seen the judge decide to commit the child, the parents sob and the whole decision reversed. There is often not a fraction of the time necessary given for an understanding of the case.

(c.) 2. Jails for juveniles.

Often a boy of sixteen is jailed with deeply involved criminals and kept there in idleness and dirt until trial, and the time of delay is sometimes made as long as convenient because the jailer gets a per capita per diem wage for all his wards. One of the boys from a club superintended by the writer disappeared for about two weeks. He was found in jail. During this period he had had no change of clothing. He was dirty and had been kept with deeper criminals. His

mother, a widow and a foreigner, wept and asked what she could do.

These jails are almost always poor, and sometimes justly described in the words of Commissioner Wight, of New Jersey, as "foul holes breeding crime." In Ohio a committee headed by the Governor reported, "with less than half a dozen exceptions every jail in Ohio is a moral pest house and a school of crime." The probation officer of Essex County, N.J., says: "Jails are an acknowledged school of crime."

The writer knows of a jail in a town of Vermont. It is built in circular shape and revolves on a pivot, for all the world like a squirrel wheel stood on end. The idea of this wonderful Yankee invention is safety, to keep the men there. For only as the bars come opposite the exact spot can the prisoners get out. No lever can be used and no saw. Here the men lie and rot in this revolving cage with neither work nor exercise nor education. Certainly it succeeds far better than the inventor dreamed. For it will not only keep the men safely there but bring them back, regularly, each time more

easily kept. Judge Lindsey says that even if jails, prisons, and criminal courts are all right for adults they are "monstrous for children."

But prisons are not all right even for adults; their influence extends to juveniles most directly.

(c.) 3. Prisons are always bad.

Hardly any man in a position to judge broadly has a good word for prisons. Russian prisons are described as "crime breeders" by Ellis, Dostoieffsky, Maxinoff, and Tolstoï.

Spanish institutions of this class are reported "filthy, overcrowded sewers of crime." Moroccan prisons are "places of oppression, starvation, and filth."

Of French prisons Krapotkine says: "They are the real cause of recidivism and they are the nests of criminal infection. It is a greater crime to lock up one hundred boys there than the offences for which they were committed." Laloue, inspector general of French prisons, says, "with our existing conditions twenty-four hours of imprisonment suffices, under certain circumstances, to ruin a man." Emile Gauthier, a friend of Krapotkine, calls prison "a sewer and

hot-bed of vice." Reinach, in "le recidiviste," and Panal Aubrey agree. In Italy Colajanni and Ferri use stronger words. Adolphe Prins, inspector general of Belgian prisons, has the same story to tell and English criminologists repeat it as true of their institutions.* Michael Davitt, for example, characterizes them as "having no sensitiveness, no discrimination, and as reducing the prisoner to a disciplined brute." Everywhere the report is essentially the same.

Yet we must not misunderstand. One of the best and latest descriptions of European prisons shows a big advance.† We have much to learn from them in certain lines. Still, this should be recognized clearly, a good prison building does not make a good prison, but even, possibly, a bad one.

In America we have some of the best prison buildings in the world, and although a few are filthy and bad, yet on the whole the property is well kept and well run. But the prisoner remains the same and the prison influence is the

* "The Criminal," page 239.

† "European Prisons," by Samuel Barrows, "Charities and The Commons," Dec. 7, 1907.

same. At Caldwell Penitentiary the writer has watched results for three years, no report being published. And from all the sources at his command he can not find twenty prisoners redeemed in the history of the institution. At the expiration of the term some of them ask the warden to reserve a place for them, as they are coming back. They like the atmosphere and they are in better circumstances there than when working in freedom for wages. When released they go on a criminal debauch and commit rape or steal something they like as a pleasant way of returning when they are tired of earning their living and when winter makes it less convenient to live the loafer's life.

Just as a weak parent alternates foolish indulgence with petty anger, so the prisons treat the malefactor. At the state prison in Weathersfield the writer was shown to a subterranean dungeon absolutely without light or sound. The floor and walls were of cement. In the wall was fixed an iron ring; in one corner was a bench made of two by six inch hardwood

planks fastened with six-inch spikes. A prisoner, for disobedience, was chained to the ring and thus held in a standing position by the manacled wrists during the day. At night he was allowed to sit on the bench. His food was bread and water. Seeing a hole gnawed in the plank I asked the cause. The prisoner, driven almost to madness by his treatment, had gnawed out one of the spikes, swallowed the chips, sharpened the spike on the floor and almost succeeded in murdering his keeper. Convicts are fed, but they have no uplifting impulse, no education, no work to train them, no drills except the lock step to and from cell. What result can come of locking an ignorant and vicious man in a prison with others of his kind to communicate with, and then simply watching him, rifle in hand?

(c.) 4. The definite and short terms deepen criminality.

It is a common thing to see the definite term system likened to sending a person to the hospital for six weeks and then turning him out whether cured or not. Annie Tighe, of Newark, for example, has been sentenced sixty times in the same police court.

At Caldwell Penitentiary the warden pointed out convicts who had been there dozens of times. In one case over a hundred separate committals were alleged. Make a table of the number sentenced and the terms given; it will tend to run in multiples of threes and fives. There will be six or seven times as many sentenced for five years as for four and so on up the scale, showing the lack of rational method in sentence. The judge must pronounce some sentence within the limit of the law. His mind runs in threes and fives. A year or two more or less makes no difference — to the judge. But it makes the youth a confirmed criminal and sets before the strongest and weakest of them the enormous task of living down a year of prison life.

Even children are sent to the lighter institutions for twenty-four hours "to frighten them." They were not frightened, but were introduced to criminal life.*

Sometimes a mother with a baby is sent to prison. Again the husband or bread-winner is

* New York Juvenile Asylum report 1903, page 17.

sent and the wife left to do the best she can for the family. If the husband could work at something and send money home it would not be so bad, but he is there rotting in idleness while his wife and family get along as best they can. In one case the writer found a man, probably innocent, who had been in prison for three years. His wife and family were kept from starvation only by the efforts of friends.

(c.) 5. Imprisonment of parents tends to push the child into delinquency.

The poor farm is often inhabited not only by aged paupers, but by the mildly insane, and sometimes it is also a place where tramps and beggars are sent temporarily. There is no separation for these classes. And the writer has seen babies and children committed with the parents. The result is often a life of dependency or delinquency for the infants.

(c.) 6. As does also the placing of children with paupers and tramps in the poor farms.

Even when the State means to be particularly kind to its ward, lack of care causes the results to be bad. For example, the blind and decrepit are given permission to beg under the

(c.) 7. Unwise State philanthropy also causes delinquency.

guise of pencil-selling or music-playing. Apart from the harm done the adult, the evil of allowing him to work at uncongenial and worse than useless labor when he might be occupied with something upbuilding, there is the child who almost always accompanies the mendicant. Could there be a better way of initiating this youth to a life of mendicancy and delinquency? Not seldom defectives in asylums and poor farms are encouraged to marry that they may have "the comforts of a home." The result is a brood of degenerate and ill-kept children to swell the ranks of delinquency.

(c.) 8. Reformatories have crime-breeding factors.

In case a boy is sent to a "reformatory" it is largely chance if his lot falls in a really good environment. No matter how well equipped such an institution may be, and no matter how well intentioned the superintendent, if that overseer has not a personality amounting to genius the reformatory will be a vast machine which, though it permanently cure 50% of those who ought not to be there, will unfailingly brand and deepen the rest in delinquent life. It puts on them the institu-

tion stamp and the criminal brand so widely recognized.

(c.) 9. The influence of bad politics causes offences to increase.

In every correctional and eleemosynary institution belonging to the State, from the Children's Court up, the unfortunate influence of mercenary politics is seen. It has been one of the most difficult factors Judge Lindsey's splendid work has had to overcome. Practically every juvenile institution in New York has had to fight it and many of them are now handicapped by it. Incompetent officials are put in power. Lazy parents are relieved of their responsibility to the child. Wardens who are ignorant of their duties are put over hundreds of convicts.

Grace Johnson reports politics as endangering the promising work of the State agent of Minnesota. Even a chaplain can not be chosen without the interference of politics.* Governor Odell is accused of attempting to put the Reformatory at Elmira at the mercy of "plum" seekers. Fetter of Cornell gives a list of such cases and cites as an example a commissioner of charities

* "Bulletin of Iowa Institutions" for April, 1902.

with no previous training appointed as a reward for political service. The same was attempted at Brooklyn and the judge himself was so bound by politics that he had to appoint the office seeker to draw the salary and a philanthropic person to do the work.

(*d.*) Defective education, curriculum, etc., cause delinquency.

One of the most common offences of the juvenile is truancy. As far as the school is concerned this springs from a curriculum not adapted to the needs of the truant boy, teachers who while competent do not meet the need and the fact that too much emphasis is put on acquisition of knowledge and too little on methods of thinking. It is often found that a truant does not care the least for academic education, he is restless under it, or dislikes it, but if this is taught in reference to its application in manual work the need is satisfied. Many of the truants come from a class who do not intend to go beyond high school at best. But the curriculum there is essentially a preparation for college. The juvenile finds no interest in Latin, Greek, and algebra because he sees no utility in them.

He is not interested in study for study's sake. He wants practical work and this the school does not give him. If there were some such thing as a "volkschule" where manual labor were prominent and studies adapted to the needs of the boy who leaves school forever at the age of sixteen, less truancy would be found. Every superintendent of lighter schools for delinquents can cite cases of "incorrigibles" who were interested, became teachable, and were reclaimed through manual labor and studies adapted to its explanation.

The teachers of schools are overwhelmingly women and girls. No criticism can be made of their ability to teach, but the fact is that the roughest boys need a man's personality and influence much more than they get. If, in addition to this, the school and the home were more nearly related so that to some extent the teacher could do visiting and personal work which the parent does not do, some delinquency could be obviated. Also the goal of teaching is too often the acquiring of facts. If the teacher's object were to make a child ashamed of poor

intellectual work, ashamed of passing a word whose meaning was not clear to him, or naming a place he could not locate, the effect would be better character and better knowledge.

Besides this there are children who become delinquents for lack of place to play, and lack of organized amusements. They play ball in the city streets and are arrested — for this is a delinquency; or they attend cheap theatres where admission is gained for ten cents. Were the educational facilities of the school extended to include drill in games, athletics, and organized amusements, much of the delinquency arising from this lack would disappear.

(e.) The delinquency factors in immigration.

Besides bringing a family into a strange and often unfavorable locality and disorganizing the home, immigration has another delinquency-causing phase. The child of the immigrant soon learns the language, his parents do not, and the child feels that he is brighter than his father. It is surprising how soon he becomes a street boy. The number of such children in the correctional institutions is sometimes almost 40%. The forty-

seventh New York Juvenile Asylum report says: "It is remarkable that recently arrived immigrants who display small adaptability in American standards are by no means slow in learning about this and other institutions where they may safely leave their children to be fed, clothed, and cared for at the public expense. This is one of the inducements which led them to leave their native land."

Many of the causes tabulated as social are colored by economic forces and of none is this truer than of immigration. Perhaps the main impulse of immigration is economic. It is certain that its worst crime-breeding elements are largely so. The following law sums up this impulse: Whenever two classes widely differing in economic ability and intellectual development meet, the weaker of them disappears either by absorption or death. And in the process of disappearance a defective and delinquent class is one of the stages. This is true whether the classes be families or colonies of immigrants, or two types of men in one land, as the negro and the white,

The social law of extinction or absorption.

the white and the Indian, or whether it is a conquering nation and the savage, as the whites and the Australians or Africans. It is in the lower strata of both peoples that the delinquency factors operate most keenly. The weaker people are pushed to the economic wall. They become impoverished and work at the least remunerative work. Some are pushed over into dependency; the women tend to become either prostitutes or low class wives of the lowest strata of the stronger people. This forms a population of half-bred children who are brought up in bad surroundings, a realm of borderlanders always on the verge of or over into delinquency. Social factors such as race and class prejudice come in, but the main impulse is economic.

III. ECONOMIC CAUSES.

The law just stated applies not only to immigrants and peoples of different races, but also to those of different economic classes. Whenever social classmaking has advanced far enough to clearly

The effect of unequal economic struggle is delinquency.

define a set of men who have no definite hope of ever being anything but "working men," this law operates between them and the employing class. It also operates between individuals of the same class with a downward tendency to the vanquished. And whenever the struggle for bread becomes acute there is borderland. The vanquished will be pushed over into dependency or delinquency.

This is especially true in times of crisis, for then large bodies of men are thrown out of work. During the depression of '73–78 in Massachusetts, about 30,000 out of 318,000 mechanics were idle. In that of '82–'85 about 1,000,000 were unemployed. During the depression of '94 the Governor of Oregon estimated that one-third of the workmen had no adequate support. The trades union estimated at the same time that 4,500,000 mechanics were out of work.

Crises leave a legacy of delinquency.

One result of this is competition of the strong with those who habitually get their living in a precarious way. The latter being less efficient are beaten and have either pauperism or crime

before them. These once tasted, return is difficult for such weaklings. The bracing effect of honest work is lost. The family sometimes becomes permanently degenerate. It is a well-known fact that juvenile delinquency increases with centralization of population; but in times of crisis the reverse is true, which means that new localities are infected. This infection is often permanent. During the cotton revolution and the crisis caused in Lancashire, England, by our civil war, offences rose very high, — and that shire is still one of the highest in England in record of delinquency.

(c.) Competition produces offenders.
1. Present competition.
2. Historic competition.

The present competition for monopoly, now rapidly changing to a monopolistic régime, has bad results in the realm under consideration. It forces business into politics. It produces the professional "politician" and "ward-heeler." It crowds incompetent overseers into eleemosynary, penal, and correctional institutions. It protects vice in order to get votes, in order to get contracts, in order to get monopoly. An example of its

results in preventing better civic conditions was shown in Chicago's attempt at civic betterment. Eight public-spirited business men tried to better the conditions of foreign and ignorant laborers at the stock-yards. Had they stood together the work could have been carried through. But six of the eight would have lost votes and therefore contracts amounting to thousands of dollars from each man's income. It meant political weakness and perhaps business ruin to attempt betterment, and six of them dared not involve their families to that extent.

(c.) 1. (b) Historic competition is the source of economic evolution.

It is competition which has been the impulse of the evolution of methods of production and this has given us machinery everywhere. Machines increase the nervous pace of life. They deteriorate the borderlander, and lower working families by making men do stupid labor, like feeding a machine all day or pulling a lever at stated intervals. They make children as efficient as men used to be and therefore cause child labor to be productive. They increase the irregularity of labor and hence the chances of depend-

ency and delinquency. The absence of machinery kept employers and workmen more on the same level and preserved the personal relation. It helped decentralization and allowed the children to work in their own homes under the care of parents. It is therefore to machinery that we owe some of the present delinquency.

(c.) 2. Trades unions have a delinquency-causing element.

Trades unions are not without their bad side. Their necessarily cast-iron rules are often blindly unjust, not only to the employer but also to those not fortunate enough to be in their ranks. They bar out of skilled work exactly the danger nucleus, the borderlander. And in some parts of Australia we have the phenomenon of thousands just above the borderlander who, belonging nominally to the unions, refuse to work at any time at anything less than union wages, and so strong is the feeling for unions that these "sturdy beggars" demand and get subsistence without work, on the plea that the union forbids labor at less than union rates.

In Newark a judge of the juvenile court went so far as to say that the only way a child

of the borderlander could learn a trade was to be committed for some offence.

These conditions strike primarily at the lower working classes, for often those have only brawn to give to the world. Barred out from skilled work by the unions, their only resort is the rough kind of toil. This is largely done by machinery, so that what is left for them is unsteady and unwholesome, or tedious work which tends to embrute and keep them ignorant. The result on the children is clear, — for the home is poverty-stricken and the many things which would raise them above the parents' class are denied.

(c.) 3. Mere brawn discounted.

The modern city is the necessary outgrowth of machine methods of production, and while the process of centralization began about the time of our revolution it is only just completed in some trades. Not thirty years ago in the hatting business in Lancashire, England, the villages were dotted with families of hatters. Every one or two families had their little "plank shop" behind the house; the whole hat was made by hand, the wife and

(c.) 4. Centralization of population produces offenders.

children helping. Machinery has been invented and now the little shops are unused, as the writer saw only a few months ago. The hatters are gathered together about the large factories, and the village hatter is almost unknown. This is typical of almost all other trades. The result is a centralization of population, and the young people of the family working away from the parents. In the city life less track can be kept of the children; goods are more freely displayed and stealing becomes easier. Also playing in the city streets, the formation of "gangs" and their attendant phenomena of delinquency appear so clearly as to be formulated in the law that juvenile offences spring up in direct proportion as the population increases. It will be remembered (Chapter I.) that not 2% of delinquents come from the open country and that 20% of city boys between the ages of ten and sixteen years become offenders.

Even when that centralization is temporary.

Even when the centralization is temporary this law holds. Paris had about twice the usual number of boys arrested for delinquency during the ex-

position year.* At the St. Louis exposition girls were lured from country homes † and there was serious reason for suspecting the existence of a society for supplying girls for immoral purposes.‡

Some data under this caption are given in Chapter I. under "home conditions." In Paris poverty was one of the great causes of delinquency. Between '90 and '92 over 47% of the children arrested there had indigent parents.§ Israel Jones, superintendent of the New York House of Refuge, finds cold and hunger a frequent cause of theft. ‖ Continued poverty lowers the standard of living, and sometimes pushes the family over into pauperism or delinquency. The New York Juvenile Asylum reports that poverty often pushes the boy out of home and initiates him into the offender's life.¶

Poverty produces young malefactors.

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* "Du Vagabondage et de la Prostitution des Mineurs." Revue Penitentiaire.

† Mrs. Whittemore of the Door of Hope declared a syndicate had raised $250,000 to lure girls to the fair.

‡ "Charities," Nov. 19, '04. Also Telegram, N.Y., Jan. 14, '04.

§ Revue Penetentiaire, Vol. 19; pages 93–99.

‖ "Juvenile Delinquency, Limited Sentences," a pamphlet.

¶ Fifty-first report, page 22.

Poverty prevents a boy from learning a trade for he receives such small wages while learning that the parents can not afford to keep him at it. Also his ragged clothes often bar him from employment. There is a society in connection with the New York Institute for Social Service whose object is to supply decent clothes in which to apply for work.

The children of the poor are sent out to work too soon, and are unequipped and puny. An examination of four hundred and eighty-six inmates of the New York Juvenile Asylum showed the following: thirty-five were under seven years of age and were not questioned; of the four hundred and fifty-one left the average age at which they began work was eleven years and nine months, as follows:

1	began work at the age of	4
1	" " " "	5
3	" " " "	6
8	" " " "	7
10	" " " "	8
22	" " " "	9
44	" " " "	10
33	" " " "	11
65	" " " "	12

61	began	work	at the	age of	. . . . .	13
65	"	"	"	"	. . . . .	14
11	"	"	"	"	. . . . .	15
1	"	"	"	"	. . . . .	17

That is, 83% never had a childhood, but were loaded with a man's burden and a child's strength.

Not only so, but these children are sent out to work at street occupations, which is a fruitful source of delinquency. Mornay Williams puts this as one of the great producers of delinquents.* Miss Kelly, an experienced worker among the young, puts this as one of the three great causes of delinquency. Of the above-mentioned children, 105 were newsboys, 40 messenger boys, 55 in factories, 68 in stores, 28 peddlers, 11 were hall-boys, and 6 were boot-blacks. It is not strange that the New York Asylum reports "one of the causal factors of delinquency is the factory and street employment of young children." Nor are the conditions limited to New York City. Mrs. John Van Vorst reports that there are in the United

* "The Street Boy," page 3, by Mr. Williams, President N.Y.J.A.

States a million and a half of children working between the ages of 10 and 15; 25% of all the textile workers of the South are under 16. Two thousand girls under 13 are doing night work in Pennsylvania; 92,000 are employed at or below that age in New York State. In Maine there are good laws to prevent this, but they are poorly enforced. In New Hampshire there is no factory inspection. In Alabama the laws are as poor as the enforcement. In Georgia there are no laws at all.* In some cases children from 4 to 6 years old are employed steadily in the mills, and girls of 6, 7, and 8 years of age work all night in the cotton factories.

The legacy which such conditions leaves is permanent. Children sent to work under these circumstances are naturally limited in horizon. They work until they are of marriageable age and then in turn put their children at the same labor. The standard of living, health and vitality, intelligence and the forces which oppose delinquency and crime are constantly lowered, until, as is the case of Lancashire and West

* "The Saturday Evening Post," March 10, 1906.

Riding of Yorkshire, England, the legacy of offences is permanent. Both of these localities just mentioned had the same conditions years ago; they have yet the highest ratio of crime and delinquency in England. Few realize what these figures mean. They mean that children to the number of a million and a half are battered by belts and pulleys into crooked, ignorant, hopeless citizens, for it is the exceptional child who rises from these conditions. Harvard University has in all her departments some two or three thousand students whom the State and authorities are trying for eight months in the year to educate. Here in the factories of our United States are some 700 universities as large as Harvard, running almost twice as long each year and their unspeakable product is consumption, ignorance, undeveloped bodies, borderlanders' homes, brutalities, the blotting out of all the delicate and fine, the quenching of 700 Harvards of children, with their right to laughter and life, the substitution of disgrace and delinquency for sunshine and flowers. We look back at the blue books of England with

the record of children driven in gangs to work, and fed on the swill of the swine, and we say "it is past." But here it is in new birth, involving more of our own children than were ground to pieces for the cotton cloth of England. Have we no Mrs. Browning to voice "The Bitter Cry of Our Children"? Seven hundred Harvards of this kind with the corollary of 300,000 homes so ruined that a sociologist can see them from the train windows as it rushes through a town!

The legacy of poverty and unwholesome work leads to embrutation and tramp life in the juvenile.

The manner in which these conditions work out high delinquency is devious. Besides those above-mentioned is the avenue of tramp life. The monotony of feeding a machine ten hours a day for six days a week results in a certain stupidity which expresses itself in physique. Initiative and adaptability are lost, and from the dulness of labor a dulness of ethical perception follows. After work hours there is a desire for amusement, and this is found in inert loafing about some favorite lamp-post or alley. The cheap theatre is patron-

ized, as is also the drinking saloon. In the case of a girl this is apt to lead to a misstep which in turn closes her home against her and opens the way to prostitution. With the boy an inertia and aversion to all kinds of work is developed, together with a desire to drink and wander. The tramp life is easier and pleasanter than the work they have been compelled to do. It is from the ranks of messenger boys, the underfed and under-aged factory children that tramps are recruited. For even when they have a home it has such little material basis that they might as well be living in a tent. It is easier to move than to pay rent. The number of tramps is not often appreciated. In England it was estimated that 30,000 persons were continually on the tramp. General Booth estimated the number of homeless in the United Kingdom to be 165,000.* In Germany estimates vary from 40,000 to 200,000. No statistics are available for the United States, but the indications are that the ratio is about the same here

* Warner, "American Charities," page 182.

as elsewhere.* When we remember that the adult tramp teaches boys begging, unnatural sexual actions, and vagrancy, we may more easily see the "vicious circle" of which the underfed and overworked city child is a part. For while economic processes are developing, there is a great amount of waste product which seems at times a necessary result of economic evolution.

IV. DISPOSITIONAL CAUSES.

(*a.*) Normal. Adventurous and lawless dispositions, truancy, idleness, and the gang instinct, and immaturity cause the fall of juveniles.

The adventurous disposition is common in healthy children. It impels a child to rob a garden, steal thermometers, milk or newspapers from piazzas, or even to drive away with some one's horse, "just for fun." There is no reason given in court, no malicious purpose, but just the desire to be "chased" by somebody. When this disposition occurs in a city child it is only a question of

* "Six Weeks in Beggardom," Everybody's, December and January, 1904–5. Forbes, Mendicancy officer of N.Y. C.O.S., "The Jockers and the Schools they keep."

time, unless carefully guided by parents, before he is landed at the court.

Sometimes it takes the form of lawlessness. The boy wants to be "chased by the cop." He takes a pride in being "tough." The fact that a deed is against the law, the rule of his parents or the express command of school teacher or overseer is enough to create a desire to do it. Still this is not inherent criminality. It is normal and is fed by the melodramatic theatre and dime novels. Many children are arrested after witnessing a circus performance or a cheap play. They have been "playing highway robber" too realistically, actually holding up others and robbing them at the point of a pistol.

Lawlessness.

One of the commonest avenues of delinquency is truancy, statistics of which have already been given. There are many children who can not bear school studies and school methods. They become irritable and avoid school at every possible opportunity. Some of this is illness or nervousness, as is proved by medical cures. Some is dislike for a

Truancy.

particular school or school teacher. Still others are truant because of overcrowded or distant school. And again, there are many whose minds revolt from academic studies, but they take eagerly to them when combined with and bearing on mechanical or manual labor Relatively few of them are naturally truant. But from whatever source truancy springs, it is an offence which starts many in the delinquent life.

Idleness.

Idleness impels some truants. And perhaps this should be put under physiological causes, for it is often a matter of underdeveloped body. At a certain stage a growing child is lazy because his energy is being taken up by growth. He refuses all kinds of work, and in order to get out of it becomes a truant or a little vagrant. Away from home, playing on the street, he easily drifts into delinquency.

The gang instinct.

It is such children, adventurous, lawless, idle, and truant, that naturally form gangs. The other school comrades being at work, these are isolated and form a little clan. Often a whole "gang" is

brought into court and with the "gang" some not belonging there who happened to be caught with them. It is a well-known fact that either adults or children will do things by "gangs" which no single member would dream of doing alone. These boys indulge in pitched battles on the city streets, they annoy pedestrians, insult passing women, incite each other to lawlessness, and in some cases form little criminal societies pledged to testify in favor of any who are caught and "to stick by the gang" in every possible way. This is not morbid or inherent viciousness, as is proved by the fact that more than once a remarkably "tough" gang has been enlisted, every member, in useful work and become a thoroughly useful club under tactful leadership.

Immaturity.

Immaturity sums up much of this matter already cited and also such causes as lack of will or volition, lack of moral discrimination, and lack of appreciation of property rights. It seems as if instincts develop before the child knows how to control them. Until he is taught he does not

realize the difference between ordinary naughty acts and criminally wrong acts. When he wants an object he sees no sufficient reason why he should not take it. Indeed the difference between the nervous organization and brain of a child and those of a man is as great as the chasm between a dog and a man, except for the fact that the child possesses potential development. But no lack of development, no immaturity counts with the law. The child may not be severely dealt with, but he becomes delinquent and his immaturity (lacking guidance) has been the cause.

It can not be doubted that some children are backward by nature. They do not learn easily. School is a constant and laborious dread to them, and they become truant (lacking oversight). Also a naturally backward child will show moral dulness. Morality is not born in any child, it must be acquired, and when one has said that a child is mentally dull it is almost equivalent to saying that there will be moral dulness. If there is not special

(*b.*) Abnormal dispositional causes; backwardness, insanity, and criminal nature result in offenders.

oversight a backward girl can be easily introduced to an immoral life, and a backward boy under such circumstances drifts with facility to a truant, vagrant, and vicious life.

Morbidity.

Sometimes there is a morbid taint without insanity. The child develops perverse sexuality, a desire to drink, or kleptomania and, lacking guidance, these desires are developed and indulged. It is not as rare as one could wish to find boys who have been intoxicated more than once before the age of ten, and there are both boys and girls below that age already sexual perverts.

Insanity in subtle forms.

When the juvenile is clearly insane he is not counted a delinquent, but in its subtler forms insanity is exceedingly difficult to recognize. Several cases of delinquency and serious crime, afterward declared insanity, have come to the writer's notice. Maudsley gives several cases of what he calls "affective" insanity. The patient is apparently rational but has insane desires which lead him to commit crimes.* Krafft-Ebbing gives a

* See numerous examples in Maudsley's "Responsibility in Mental Disease," and Krafft-Ebbing's "Psychopathia Sexualis." Other cases are given in the present paper under insanity.

volume of analogous data in the realm of sex passion. There is no doubt that insanity may take such a form that while reason is apparently intact, the affective nature is so insane that all kinds of offences from truancy, begging, and vagrancy to "lust murder" may be committed by juveniles apparently sane, and this insane taint may rise from wounds, falls, poisons, drugs and the like acting on a person of neurotic temperament.

The criminal nature.

There is also reason for believing in the existence of "natural" criminals. Physical and mental examination reveal no condition which would justify inclusion under any usual class of insane, but yet the person is anomalous. His desires may not be insane but only criminal. In every serious correctional institution there are some reports of those inherently vicious whose delinquency can not be clearly traced to environment or to insanity. For example, in examining the inmates of a penal institution the writer came across a young man of Neapolitan birth. He had the thick hair, prominent frontal

eminences, high cheek bones, outstanding ears, heavy jaw, etc., of Lombroso's descriptions; he was a typical mongoloid criminal and I put him down as such without asking his offence. A month later the record of his crimes was searched. He habitually carried a stiletto, had stabbed a man in the head, and told me in answer to my question as to whether he was sorry, "Me sorry eighteen months." He regretted the confinement but bore it like a cat. The Italian school classifies these as the "born" criminal. And although this is obviously a metaphorical use of the word, no man can be a born criminal in reality any more than a man can be a born sea captain; still it is accurate enough to describe a class of delinquents fundamentally vicious, yet not insane in the usual sense. This viciousness may be hereditary, or probably congenital.

V. PHYSIOLOGICAL CAUSES.

The renitant factors in abundant animal spirits are largely the physical basis of adventurous disposition. This phenomenon is noted by

every settlement worker. There are children "so full of life" that they can not sit still. They throw stones, destroy property, invade railway yards, climb into empty buildings and prowl about private property. In the country this superabundant energy expends itself in tree climbing, swimming, fishing, and long walks in the woods. But in the city there is no opportunity for these harmless amusements. The former, which are all delinquencies, are indulged in, and the youth is brought before the court.

(a.) Normal. The delinquency factors which appear in abundant animal spirits — puberty — sex — and youth.

The maximum period of delinquency is from fourteen to sixteen years of age, the age of puberty. At this time not only the sex passions come to consciousness, but other impulses. The child is in general more susceptible, more nervous and more easily influenced for good or bad than in any other period of life. Several experiments have been tried by the writer to prove this. One of them is to ask for a show of hands of those in a church audience converted at the age

Puberty.

of fourteen to sixteen. It is remarkable that almost 50% are converted about that period. It is also under the stress of puberty that offences against modesty are committed by children, who, when normal, grow out of it later.

Sex.

In the New York, Brooklyn, and Newark Children's Courts the writer found the great majority of offenders to be boys. Before the New York Court there were 1,204 juveniles in 15 months; 95.19% of them were boys.* At Atlanta 93.23% were boys. In French juvenile institutions 76.92% were males. In England 80% of police court offenders and 85.72% of reformatory children were boys. At the penitentiary at Caldwell the writer counted during six visits 85% males. The general figures for United States prisoners show 93.86% to be males. Some of this difference of criminality between male and female is to be explained by the fact that a girl is less likely to be arrested, and a young woman less likely to be committed than a young man.

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* Report of the chief probation officer, 1904; Morrison's "Juvenile Offenders," page 43; Census for 1890.

In conditions which make the life of a female more nearly that of the male the ratio is more equal. But in general the female is far less criminal, both in number and in intensity of offences, than the male. We may therefore infer that sex has a causative influence on delinquency.

Youth.

The youthfulness of the delinquent, the precocity he displays in delinquency indicate age as a causative element. When does the offender begin his criminal life? If we begin with the older delinquent and pass to the first court offender we can answer this question. At Illinois Penitentiary 58% of the inmates committed their first penitentiary offence before the age of 25. At Elmira 89.9% of the inmates were below 25; the indications are that they began their reformatory offences below 20.* When we reach the juvenile proper, we find that 57.5% of the offenders in French institutions were between

*Report of N.Y. State Home, 1904, page 28; Fifty-first report N.Y.J.A., page 50; N.Y. State Reformatory at Elmira, page 28; "The Juvenile Court at Denver," pamphlet; "Enfants Coupable," Raux, page 26; "Juvenile Offenders," Cady.

14 and 26 years of age, the maximum number being 15. Of those arrested at Paris 76% were between the ages of 13 and 16. At Jamesburg, N.J., 60% were between 13 and 16, most being 15 years old, while at the New York Juvenile Asylum most were aged 14. Judge Lindsey claims 20% of city boys are arrested between the ages of 10 and 16. Cady, averaging all the available data, concludes that the average age of the delinquent boy is 14.09 and that of the delinquent girl 14.71.

These figures give only the age at which the offender was confined in an institution. But there is almost always a bad record before the delinquent is committed. It is the custom to suspend sentence or parole a child for his first, second or even third offence unless it is very serious. So that the average age given by Cady would be lessened by one or two years, if it indicated the age at which the first court offence was committed. But the first court offence is not always the first actual offence. This can be learned only by knowledge of the child at home and on the street. Almost all the delinquents

sent to Newark court from Montclair School for backwards during two years were known by me; they had been a year or two in this school and had been known before that to be troublesome children. Their delinquent life began before the age of ten.

Troublesome actions in children below ten are rarely serious enough to compel general notice; they are seen only by persons in close touch with the child, as the club leader or school teacher. Such contact with these, and the fact that many children are in court at the age of eight, has convinced the writer that delinquency has its beginning as soon as we can trace anything like individuality. It is, therefore, reasonable to suppose that youth, lack of physical maturity, has a causative influence on delinquency.

(*b.*) Abnormal physical causes, as deformations, disease, somnambulism, hypnotism and bad heredity.

It is clear that, other things being equal, the child without deformations, the handsome youth, stands a better social and economic chance than those mal-formed. The latter tend to become irritable, bitter, or even criminal under the jokes and thoughtless

discriminations made by employers against them. That is, there is a downward pressure. An ill-favored boy is shunned and his tendency is to grow up worthy of his treatment, especially if he be the child of the borderlander.

Disease causes offences.

Disease works both directly on the child and indirectly on his parents. It may kill or cripple the guardians and leave the child adrift. Disease may attack the juvenile in such a way as to develop abnormal cravings, restlessness, and therefore truancy or vicious acts. Many children have been cured of delinquency by removal of adenoid growths, by castration, and the like.

Hypnotism and somnambulism enter in causes.

Strange as it may seem there are records of offences committed under the influence of hypnotism and somnambulism.* Persons may plan and execute strange criminal acts while asleep or hypnotized and have no remembrance of them afterward.

That crime or a neurotic tendency thereto may be transmitted by heredity is well known. The Juke family is a famous example. Juke,

* See Maudsley, "Responsibility in Mental Diseases," page 268; also Moll, "Hypnotism."

the father, was born about 1720–40 in New York State; 709 out of nearly 1,200 descendants have been traced, and of this 709 there were less than 20 skilled workers and 10 of these learned their trade while in prison. One hundred and eight received out-door relief amounting to 2,300 years for one man. There were 76 confirmed criminals; 52.4% of the women were harlots. Altogether this family has cost the State one and a quarter millions of dollars.*

Heredity.

VI. INDIVIDUAL CAUSES.

The action of bad personal habits is twofold, (1) on the parent, and (2) on the child.

Individual causes of delinquency; as bad habits.

1. Intoxicants.
2. Tobacco.
3. Drugs.
4. Sexual.
5. Bad associates.
6. Bad literature.
7. Cheap theatres.
8. Loafing, etc.
9. Lack of trade.
10. Street life.
11. Lax honesty.
12. Gambling.

Intoxication is a rare phenomenon in the juvenile. Morrison finds it practically non-existent in England, but in South Africa where the native grape pickers are children of fourteen to sixteen years old it is common, for the workers are paid part of their wages in wine,

* Dugdale, "The Jukes," N.Y., 1891.

and it is served from four to six times a day. Cecil Rhodes opposed this custom and some of the English and Dutch farmers are now carrying on his work. Alcoholism in the parent of the juvenile, while not as common as other immoralities, is yet not unknown (see Chapter I., Section B). In the adult offender guilty of the most serious crime alcoholism is relatively rare. The professional criminal is too "wise" to drink. The criminals who drink are usually the short term men, "bums," loafers, petty thieves, "good-for-nothings," and the like who crowd our penitentiaries. Drahm concludes that little criminality is caused by intoxicants. Among the Ishmaelites and Rodneys, two famous families of criminals, as well as among the Jukes, it is not as evident as sex immorality. Yet the writer's experience shows how drink is responsible for much crime of certain kinds. Often at the penitentiary in answer to the question "What was the trouble?" "Drink" was given as the cause. It must be remembered that we have all grades of institutions and the causes of crime naturally vary with the kind

of crime. An examination of the jail and penitentiary inmates, — relatively short-term offenders, — would probably reveal about 50% as drinkers and 25% practically little less than "drunks." For it is to such places that these are sent. Naturally the prisons and reformatories would reveal slight percentages of alcoholism, because a man whose crime was only or mainly drink would not be sent there, but to a short term institution. It is by confusing these facts that such wild statements as "90% of all criminality is due to drink" are made. The investigator has been to jail or a short term institution and thinks this typical of all.

More indirectly drink causes delinquency. It is among parents who like drink without being drunken, and who send the child to the saloon for beer, and then wonder why he drinks; it is here that intoxicants work. So that while comparatively little of the "most serious" crime is directly so caused, much has its indirect source in drinking. For example, the November report of the grand jury in Cook County, Illinois, says:

"It is a matter of general remark among the jurors that a large number of cases before them were connected with saloons at some stage. Larceny and burglaries were generally planned or executed in saloons. One murder was committed in a saloon, two just outside. The assaults which happen about saloons or in them are numerous."

It is perhaps more the saloon than the drink per se which causes delinquency. The parents and the child are acted upon unfavorably by the drunken and low atmosphere of the saloon.

Tobacco.

Brockway, the father of Elmira Reformatory, was so convinced of the baneful effects of tobacco that he refused to allow it in the place, and paddled any inmate using it. How far he is right is a question. The New York Juvenile Asylum finds cigarette smoking a cause of delinquency among its inmates.* Ellis finds that criminals begin to use tobacco at an early age; twenty-two per cent smoke before the age of thirty; nearly all of them, 99% of males and 100% of females ex-

* Fifty-first report, page 39.

amined smoked before entering prison;* while only 14% of the smokers of the normal population and 7.2% of the insane begin before that age. Love of tobacco is said to be the first passion which roots itself in the juvenile delinquent. Out of 603 juveniles between the ages of eight and fifteen, 51% had acquired the tobacco habit before detention. The way tobacco acts on some offenders is interesting. One delinquent revealed on examination noticeable traces of the tobacco habit. I asked him how much he smoked. "Oh, all the time." "Well, can you give it up?" "I don't know." "Did you ever try?" "Yes, I tried one day to do without it for an hour. After about half an hour I felt as if I should die right there if I did n't take a smoke. I had to smoke, — I could n't help it." Practically no data in percentage are available for the ordinary population, but John Bain gives an interesting volume to show its beneficent effects when rightly used.† It is no doubt beneficial for some adults when used moderately,

* Ellis, "The Criminal," page 120.

† "Tobacco in Song and Story," pages 24 *et seq.*

but for children it is an evil. It seems to act upon the juvenile organization like a mild intoxicant, resulting in a relaxed or over-excited nervous state. It acts as a stimulant of conviviality among the "gangs" of street boys and makes their loafing pleasanter.

Drugs.

The use of drugs is comparatively rare, but not unknown. Cocaine "fiends" appear from time to time, and their delinquency is usually theft incited by desire for money to buy the drug.

Bad sexual habits.

The misuse of the sex functions is more common. Ellis finds the criminal addicted from an early age to all kinds of natural and unnatural sexual acts. Sexual excess was more prominent in the Jukes, Rodneys, and Ishmaelites than was alcohol. The number of prostitutes (see Chapter I., Section B.) in New York and the implied number of feeders for them shows its prevalence. It is found that the father of the juvenile often goes with loose women. Misuse of the sex functions is sometimes a disease, sometimes a result of bad training and oversight and again caused

by social conditions, but in some cases it is a cause of delinquency directly or indirectly.

Bad associates.

By bad associates we mean not the parents but the comrades and acquaintances of the child.* It is often stated that the root of delinquency is the juvenile growing up in the midst of seasoned crime. The New York Juvenile Asylum finds a fruitful source of offences in the boys' alliance with junk men and cellar keepers.† The first send the boy out to pick "junk" or "anything" and dispose of his wares. The second furnish the "gang" a place to congregate. It is in such resorts that "Fagin" goes on, *i.e.*, the older youth has younger helpers whom he trains to pick pockets, etc. In other ways less pronounced the association of younger and weaker boys with older and delinquent ones initiates some into the rank of the offender.

Bad literature has its effects in this realm. Kelso finds it a cause of delinquency.‡ Cady

* "The Life of the Street as it affects Juvenile Delinquency." Jewish Charities, January, 1905, page 11.

† Fifty-first report, page 39.

‡ J. J. Kelso, "Work for Children." Charities, Vol. II., page 331.

found in Waukesha Reformatory only twenty-four out of two hundred and fifty-five boys who had read a single good book. "Diamond Dick" was the usual type. It is not unknown to find counterfeiting and even murder springing from bad reading. French, the Orange boy, recently convicted for sending infernal machines through the mails, explained that he had obtained his plans from pictures of similar constructions published in the papers.

Bad literature.

"Work" for January, 1904, gives an example of a child of ten who held up another and robbed him of three dollars. The robber had read dime novels from the age of seven. He was particularly interested in Jesse James, and knew more of him than of Washington. Ellis found a large number of cases caused by the reading of newspaper details of such criminals as "Jack the Ripper." According to Cady 7% to 27% of the news printed by our papers is detail of crime or vice.

Bad theatres are from this standpoint simply bad literature made more vivid. Every time a

"Buffalo Bill" play or strikingly melodramatic piece is played in New York there follows indictment of children for robberies and woundings, sometimes causing death, while "playing Indian," or bandit. And the Newark probation officer states this as a cause of the offences committed by his wards.* In this city complaints have been entered by a committee of prominent men against certain theatres. They did not indict the theatre commonly known as the lowest. Why? It is not immoral plays with the sex appeal — it is that style of theatre, like the Thalia of the Bowery, which is constantly filled with children, wildly applauding a bandit scene and hissing the villain in a swashbuckling play. The delinquency factor arises from two things — uncontrolled excitement and a craving induced in the poorer children which leads them to steal in order to get the entrance fee.

Cheap theatres.

Loafing, no trade, and no work are also

* Report of the Probation Officer of Essex County, N.J.

sources of delinquency. Kelso and Schroff found these especially great causes in Pennsylvania's offenders.*

Loafing, etc.

Speranza examined two hundred and twenty-five juvenile delinquents who were charged with idleness and found the following explanations of the culprits: †

48	said in essence:			"We are good for nothing."
25	"	"	"	"Our father does not work."
22	"	"	"	"Work is fatiguing."
14	"	"	"	"Begging is work."
6	"	"	"	"Why work every day?"
10	"	"	"	"You make more by stealing."
36	"	"	"	"We got along nicely by begging."
8	"	"	"	"We have n't time to work."
18	"	"	"	"Our employers discharged us, how can we work?"
19	"	"	"	"My father says only fools work."

This loafing often grows to such proportions that it amounts to a disease. In an attempt to redeem fallen women it was found almost impossible to make them work at honest labor. They could do only the coarsest work, and therefore received little

Loafing.

* "Pennsylvania's Unfortunate Children."

† "Criminality in Children."

pay, but at their trade they earned easily five to fifty dollars a day and spent it all foolishly.

No regular work.

So it is with the youth who has no regular work and has not been trained to a trade and steady labor. He finds work unbearable and would rather pick up a living by begging or stealing than undergo the ordeal of steady effort and low pay at rough labor. For example, a delinquent came to the writer with the story that his father was dying and he needed money to get home to the patient. So cunning was his plea that he obtained the money, but was later indicted for obtaining it under false pretences.

He begged for one more chance. After much wrestling this was granted and the writer started in the work of reform. The only condition on which the sentence was suspended by the judge was that my culprit should prove himself, because he had been at this for years, robbing everybody he could. The writer wrestled for five months, sometimes all day long, with this delinquent. It was a marvel to see how the malefactor would plan and scheme and

worry and labor to get out of paying a debt of fifty cents. He worked harder to avoid paying the sum of five dollars than he would have had to work at chopping wood for fifteen dollars. He would do anything except quit his dishonest ways.

After months of struggle the writer took him on a cold night in December and insisted that he pay the debt at once or deliver up his sleek overcoat, tie-pin, collar, and spick and span shirt. "Would you do this a night so bitterly cold?" "I would, as you have taken the money of a poor widow washing for her living." "For God's sake don't and I will pay to-morrow." "Do it now." So the protracted struggle went on for hours and only when the writer backed him remorselessly up against prison and nakedness and cold, or the paying of the debt, for which he had abundant means of liquidation, did he settle. Half an hour after he asked for my recommendation on the grounds that he had done the square thing.

Habits of lax honesty are often found in the juvenile and lead him surely to the court. Per-

haps no path is more certain than that of the second-hand store and junk dealer. The parent sends the child to pick coal or junk, and sends him to the second-hand dealer with goods to sell. It is only a step before this becomes a habit of stealing all he can find. The writer has seen numerous cases where lead piping, brass, copper, and books have been stolen and sold to the second-hand dealer and junkman for theatre tickets.

Dishonesty.

Crap-shooting is a favorite beginning with the delinquent according to the asylum reports.* Jane Addams finds the gambling impulse strong among her delinquents. Ellis gives cases of criminals who played cards two days without intermission. One gambled away his rations and died of starvation. Another was so absorbed that he forgot his approaching execution.† More than once this passion has led to the arrest of other-

Gambling.

* N.Y.J.A., page 38; "Delinquent Children," Charities, Vol. VIII., page 490.

† "The Criminal," page 144.

wise good boys, as is well known to all settlement workers.

VII. FAMILY CAUSES.

The great cause is the non or semi-functionary home. That the home is at the root of most social evils is so often asserted as to make its repetition here seem trite. Yet the attempt is made not only to state this fact, but also to indicate precisely how. From over a dozen prominent workers with delinquents only one, the superintendent of the House of Refuge, even clearly indicated the home as among the first two causes of delinquency. Another prominent leader said it would be brutally unjust to indicate the home, and therefore the parents, as the prime agents in this realm, for said she, "They can not help it." It is not a question, however, of who is to blame. We are not seeking culprits, but only — and dispassionately — causes.

The deficient home. Introduction.

It will be seen that all the factors depicted under "physical causes," such as geography, climate, and temperature, while really produc-

ing delinquency, yet become active only when the home is not well organized; and by a well-organized home is meant healthy parents, healthy children, with such physical, mental, and ethical ability that the home is a wholesome unit, is in a word organized. One does not often blame parents and children for being ill or malformed, nor do we blame the parents if the atmosphere of the home is not thoroughly good, but the fact remains, disorganization exists and the way is open for delinquency to enter. Whether the parents distil illegal whiskey, let the children run loose in a summer resort, a naval or military station with its quota of bad women, or train the child to carry on a feud, is all one from our standpoint. They may be doing the best they can but the home is not well organized; it is only semi-functionary. No home is good unless the children are recognized practically, not theoretically, as of greater importance than any material thing pertaining thereto. Whether it is the parent who is so impoverished or ignorant that he sacrifices them

A summary of physical causes shows them active only in a deficient home.

for wages or for food; or whether it is the middle or better class parent who is so ignorant or lazy that he does not properly control the child, or whether it is the stupid parent who lets the child become permanently hurt by lack of care in hot weather, it is all one and the same thing, the home is non or semi-functionary, the parent is not doing what he was made for doing.

If we review the factors cited under social progress and social machinery we shall find the same thing true. The standard to which the child is asked to rise by the law, complex as it may be, is yet such that a child reasonably well brought up in a well-organized home will not only pass the requirements but consider that mere avoidance of illegality is not sufficient. The waste product, the refuse of our doing things, comes from the disorganized home. The parent may be ill, tainted, insane, over-strained in business, and this may not be his fault but it is his misfortune. He is not able to keep his children out of range of delinquency factors; they fail therefore.

The renitant factors are effective only in a bad home.

The essence of the State's failure in correc-

tional institutions is the same. By common consent criminologists recognize that for those who have had no homes, or whose homes have failed, the State should stand in loco parentis and furnish a foster home for its wards. By this is meant not a place where the criminal will be coddled, but where he will be made to work hard, and at wholesome labor, under wholesome influences, and with adapted education. The reason the State fails is because the home she furnishes is non or semi-functionary. She acts as though simply locking a defective up in isolation, standing guard over him with a rifle, and keeping him there for a fixed period would somehow produce the effect of a good home and render the malefactor an honest citizen.

The essence of the State's failure is its lack of forming a home.

Again from this standpoint the baneful forces of immigration reduce to the same denominator. It is not the fact of immigration nor the working of the law there stated that causes delinquency per se; it is that these impulses act on a home not sufficiently strong to resist them.

The downward factors of immigration become baneful only in the defective home.

Nor is it otherwise with dispositional and physiological causes. Not a single natural impulse there tabulated but is a source of wholesome living, if properly guided. But the parent who for lack of physical strength, laziness, ignorance or incompetence does not so guide, the parent is the real source, — and this is so clearly recognized that the courts are beginning to hold the parent of the offender and rigorously demand that there be no whining about inability to guide the child. It must be done, one may say, whether the parent thinks he is able *or* not. A case came to the writer's notice of a father with two boys who broke windows and destroyed property. Complaints elicited only apologies and protestations of inability to control. The court decided that the parent could not control the child, but must pay for the property and be held responsible at court for future misdeeds. The offences were not repeated. The judge had made the home functionary.

Dispositional causes become functionary only under defective parents.

But when a child is abnormal is it then a case of bad home? Largely, yes. The parents

are physically weak or they have allowed a congenital defect to go untreated. The child does not come before the court for its first offence. Usually the parent has knowledge that the child is dangerous before the criminal act. It has been the writer's experience that parents knowingly left the abnormal child at large rather than take the trouble to constantly watch the defective, or put it in an institution. Society has a right to expect a home to take care of its sick. And this right springs from a fact which experience has taught, — the family is able so to do unless it is inherently weak, *i.e.*, unless it is non or semi-functionary. Again, let it be repeated, this is not indiscriminating blame; we may sympathize but we must acknowledge the fact that the reason a defective child becomes delinquent in actual life is because the home was too weak to do its function alone.

The above is true even when the impulses are normal.

The same is true of individual causes, — bad habits of various kinds stated. Is it not true that a child of ten to fifteen years of age will not become a drunkard if his parents are wide

awake? If there is a neurotic disposition inducing dipsomania, this will have been recognized years ago and appropriate measures taken by the well-organized home. Nor will a child of ten contract the tobacco habit without his parents' knowledge, if they are functionary. It is lack of persistent, unrelenting, yet tactful effort on the part of the guardian which allows the child with such tendencies to indulge them. If the youth begins using cocaine there is almost always a history of parental weakness, — they themselves have used the drug or there has not been stalwart supervision. And certainly no girl of thirteen to sixteen can become a prostitute unless the home is almost non-functionary, for it has been seen that very few such cases spring from abnormal desire. In such cases where there is heightened sexuality the alert parent knows it long before prostitution is reached and most parents alive to civic duty and the real welfare of the offspring would resort to a surgical operation under the direction of the family physician rather than by

No child becomes delinquent merely from bad habits. The cause of bad habits is largely poor parental oversight.

indecision allow the unfortunate to enter such a life. Is it not true that even poverty-stricken parents who realize their duty will avoid sending a child to saloons, or putting him in alliance with the junkman and second-hand dealer? Experience with the families of the poor has taught that it is not the sturdy poor who allow the child to drift, it is the shiftless, the incompetent, the non-functionary.

Not more than 20% of homes become delinquent. These are the families weakened in some one of the many respects above stated, and they furnish the susceptible matrix which fosters the bacteria of delinquency. These homes may be divided into three classes: (1) the lax home; (2) the borderlanders' home; (3) the vicious home. Of the lax home we may speak first. In this home there may or may not be economic misfortune, illness, abnormality or the like. The home may appear good and the parents usually intelligent, but this is not the weak spot.

The non or semi-functionary home may be divided into three classes:
(1.) The lax home.
(2.) The borderlanders' home.
(3.) The vicious home.

The baneful source is a lack of unity in the home. The father leaves too much to the mother; the father has not wholesome ideals himself. The home has not the home atmosphere. Quarreling and recriminations are often present. And the main fact of all from the standpoint of this study is that the children are not given wise oversight. Boys and girls are out in the street long after dark. There is no insistence on obedience; no dignity of treatment, but a "pecking" at the child when he does petty things and a blank incompetence or blind rage when he commits serious acts of disobedience. Moreover, it is impossible to convince the parent. He blames everybody but himself and the child. If a club leader reports misdemeanor the parent takes the child from the club. Likewise the complaints of a teacher or neighbor are received with resentment. The fact that the child is a nuisance to others does not seem to penetrate the mind of the parent. He thinks that others take too seriously the pranks of his child. It is only when a

(1.) The baneful spot in the lax home is lack of wholesome unity and incompetent oversight.

stinging rebuke from the court is administered, and a fine on the instalment plan recalls the circumstance periodically, that the parent begins to waken to the situation, and the child can thus be recovered. It is clear, however, that the home, — the parent, — is the real cause of delinquency.

Below the lax home is that of the borderlander, and there are all grades of descent to it. Only types can be given. Take the home where there are a number of small children semi-orphans. If the mother is left alone she has a problem before her which few women would care to solve, and when her resources are only washing, scrubbing offices, and the like, the situation becomes acute. She is on the borderland of dependence or delinquency. The children can not be left alone, or left to the care of neighbors, nor can a care-taker be hired. The mother must leave them to their own resources and they drift almost inevitably to the influences of the street. They avoid school

(2.) The borderlanders' home. — The widow or widower with a large young family; the family with emphasized idiosyncrasies; the home with too many children; the family on an unstable economic basis.

duties; they are compelled to work at too early an age and usually at unwholesome labor. For example, the big stores are cleaned after all the work of the day. For this work scrubwomen are often employed all night. This was the case with several delinquent families. In the day-time the mother had to sleep; in the night the children were left alone, little girls on the street long after dark. The "house" was furnished and run on the scale of a city "home" with five people living on a scrubwoman's income of seven dollars to nine dollars a week.

When the father is alone with them the case is not much otherwise. He may earn at his rough work a little more than the mother, but he is not as competent to give the right care to his children, and when, as is often the case of the borderlander, there is drunkenness in the parent remaining, the children are on the verge, any slightly unfavorable circumstance will push them over into delinquency. It is such a parent who will send the children to the saloon for his beer, or to pick coal or junk. He does not ask questions as to how the articles brought are

obtained. He and his family are now into delinquency, now into dependence, until the standard is lowered permanently and the children one by one come before the court.

The family with emphasized idiosyncrasies.

Another class of borderlander is that which approaches the abnormal. The parents have been noticeably defective in body and mind without being insane. They are not deft at work. They may have been at times in some poor-house and have been encouraged to marry for "the comforts of a home." The children often appear with the anomalies of the parents emphasized; none of them are well favored. For example, a negro of Montclair, himself inefficient, married a wife who developed a cancer. Charitable people bought medicines, cared for the home, and proposed to send the patient to a hospital. The husband agreed on condition that these charitable people would pay for a housekeeper to care for him and his children. Although he did no regular work and ate the dainties bought for the patient it seemed too harsh to make him shoulder the burden. At the death of his wife

he applied for money to go south. It seemed a good way to get rid of him, and in spite of protest this was done. The children were left to the care of the philanthropic. In less than nine months he reappeared with a younger wife and is now increasing the burden of town support for him and his family. Several of the children are already delinquent and the home is a typical borderlander's.

Another case of borderlander's family is that in which there are too many children for proper care. The father drinks and works at unremunerative labor. He is not vicious but only easy-going, careless, good-natured. But the mother is constantly pulled down by the burden of child-bearing. The home is not clean, the children are not properly fed or cared for. There is no effective discipline. The children are always in trouble of some sort, and the whole family on the verge of delinquency. When this is complicated with the fact that neither parent when single could earn an adequate living, and now, married with a large

The home with too many children, and the family on an unstable economic basis.

family and the careless drinking and loafing habits of both, it is every day a question of enough bread. Coal is bought by the pailful, provisions procured on credit at some place where an account may be had. The children are sent to do the shopping and to get credit wherever they may. Not seldom do they fall into the habit of buying things for themselves on credit, or stealing whatever they can. The family is on the border line and will become delinquent at the slightest provocation.

Now let any calamity come to such homes and there is not sufficient organization to resist.

In the borderlander's home step-parentage, illegitimacy, and orphanage produce delinquency.

If the mother dies, a new wife who will be strong enough to shoulder the responsibility is not easily found, nor in the event of the father's death will another man be found to bear the burden. Sometimes there is an illegitimate child in the home. The father may have been compelled by law to marry the mother. The presence of the unwelcome infant is a source of recrimination. If it fails to take advantage of the many opportunities given it to

die, every mouthful of food is begrudged it. The child is slowly pushed on the street. If both the parents die, the children, never well-trained, are adrift in a locality — the poorest — to which the law of expensive rents has pushed them. Relatives are unwilling to take the orphans. Delinquency is a foregone conclusion. It is from analogous cases that 40% of juvenile offenders arise.

(3.) The vicious home.

Still below these is the criminal or vicious home, examples of which are given in Chapter I., Section B, and there are several grades even here. There may be desertion on the part of one parent, which implies a long period of vicious influence before. There is often illegitimacy with its crime-breeding influence. To the drunkenness of parents may be added striking immorality. In addition to instruction in prostitution and unnatural sexual actions the child is sometimes taught to sing obscene songs in low saloons and habituated with fallen women and their consorts. Boys are sent out under the guise of street occupations and junk-picking to

steal. They are called "smart" when they succeed. For example, one boy's parents were proud of him because he supplied them regularly with stolen milk. Another girl revealed on question that her parents sent her to offices to commit prostitution under the guise of peddling. It is from such homes that a number of those "inherently vicious" and "natural" criminals come.

Summary and conclusion that the non or semi-functionary home is the great cause.

To recapitulate, we have seen that the delinquency factors under physical causes can be successfully opposed by a well-organized home; that social causes act only on the children not sufficiently protected by parental guidance; that economic forces as they affect the child come only through the weakness of the guardians; the child depends and has a right to depend upon his parents for support and the necessities of life. We have seen that all normal factors of dispositional and physiological causes can be turned not merely against delinquency but be made factors for good by parents who are not themselves weak. And the

abnormal factors are either transmitted by defective parents or acquired through lack of wise care, being sometimes allowed to develop because the guardians lacked initiative. In case of accidental misbirth delinquency could be prevented by the well-organized family. It is almost universally true that the causes named individual are yet mostly due to the inefficiency of parent and home, when they become active in producing offences. And finally we have seen that the sources tabulated under family causes spring most directly of all from defective home conditions. Justly counting the parent as the essential part of a home we may therefore include his defects under those of the home, and conclude that all the delinquency factors, because they become operative only in a weakened home, may be summed up in one great cause which may be named, the non or semi-functionary home.

CHAPTER IV.

WHAT IS TO BE DONE?

TREATMENT.

Historical treatment of the young offender.

THE history of the treatment of juvenile delinquency may be divided into two periods which may be called ancient and modern.* Chronologically the ancient period extends to the beginning of the nineteenth century. The modern has its rise during the period of the industrial revolution and is more or less directly connected with the factory legislation in favor of women and children. Apparently for the first time the serious position of British juveniles compelled English law to differentiate in favor of them.

* As far as the writer knows there is no history of delinquency extant. The facts here given have been gathered, (1) from scattered pamphlets, as reports of various institutions existing, and from these the trend of events has been inferred; (2) by visitations of the old and new plants and by talks with older workers, former customs have been studied. The ancient idea can be seen by a study of the architecture of the old plants as compared with the new.

Before the courts children were not treated as adults; it was recognized that they could not make a fair bargain for their labor without protection from the law. This beginning, dealing with parish children, dependents, and children in the factories, has extended slowly until at the present day it covers all the life of juveniles as far as the law is concerned. No child below sixteen is considered a criminal even if he has committed the most criminal acts.

During the first period there is the slow growth of a penology from a time when the treatment sprang from anger at the offence merely. The delinquent was not differentiated; age made no difference; the offender was punished by sudden violence like lynching, he was annihilated. From this period of thoughtlessness there finally emerges a primitive penology with one fundamental principle, *i.e.*, stern and cruel treatment for punitive purposes. Crime was presumed to be a product of vicious and recalcitrant will, to be suppressed by violence without regard to age. Even to the close of the ancient period this penology held its essen-

tials and still survives in many quarters. In England up to the beginning of the nineteenth century there were two hundred and twenty-two capital offences. Death was the punishment for theft exceeding the value of a sheep and that sanction was enforced on old as well as young. Prisons were filthy and treatment brutal. Grown criminals and girls were sometimes locked in the same cell. A child of nine was sentenced to death for stealing two and a half pence worth of paint.

The second period: transition.

With recognition of the age factor by law there rises the clear definition of the difference between crime and delinquency and an unwillingness to treat a child as a grown criminal. This transition is illustrated by a Russian trial. A girl of twelve had murdered a child of four. In spite of clear proof of guilt she was acquitted. The jury said, "The law will deepen the branding of this girl by ten or fifteen years of prison life with adult criminals. We prefer to deliver her from the law altogether." *

* Ellis, "The Criminal," page 292.

By the middle of the last century the modern period was well inaugurated. It is characterized by a careful study of the complex forces which cause crime and by a realization of the folly of any other treatment than that which reforms. The undercurrents are seen; medico-legal experts employed; insanity, crime, and delinquency differentiated, even to methods of trial and treatment. The law clearly distinguishes between the juvenile and the adult. It sets the boundary of delinquency at sixteen years of age, and the practical workers enunciate the principle that punishment as an end has no place in their system and should never be used except for educational purposes. The aim of treatment is not to punish, but to reform; the treatment is framed to fit the offender, and not his crime.

The modern period.

These changes have resulted from experience, not from sentimentality. The old system has proven itself to have one serious drawback, — it does not work, either in curing delinquency or preventing crime. For example, three brothers were

These changes are the result of experiment.

thieves, the older leading the younger. The younger two were handled by the New York Children's Aid at a cost of $30. They were both recovered, served honorably in the war, and settled to good lives on a farm. The oldest boy was handled by the old method of prison and punishment. He cost the State $100 for trial and arrest, $750 for prison treatment, and he made away with $2,000 worth of property. Even if he had been recovered he would have cost just 190 times as much as by the new method under the Children's Aid.

Why the new methods are not more widely used.

Why, then, are not the new methods more widely used? The old ideas are outgrown, but the new are held down by the fact that millions have been expended for buildings and paraphernalia. Thousands of men earn their livings so, and politicians control these situations. The men put in power through politics have not often a broad grasp on the field. Not only so, but the new ideas are not yet clearly enunciated. Among men and women who have worked decades with delinquents the broad trend of

events is not realized. They are usually busy with one section and ignorant often of the work in collateral lines. There is a nebulosity as to what should be done, but the nebula is condensing and certain great principles begin to appear.

The first step was naturally to reform the prison buildings, etc. The property was made much better, improved machinery, steel cells and the like inaugurated. But the delinquent was not reformed. Next comes separation of juvenile from adult institutions and the development of the institution idea. The young offenders are gathered into huge "schools," "reformatories," "homes," and the tendency was to make these as big, imposing, and as beautiful as possible. All kinds yet exist and a division along religious lines appears first. If the delinquent has a nominal religion he is sent to an institution of the same stripe if possible. Also there is an unconscious division along the line of seriousness of offences. The lighter organizations in America tend to be

The first step was reform of plants, and the rise of the institution idea.

named "asylums," "refuges," "schools," "homes," "farms," "republics," etc. The sterner are named "State homes," "reformatories," and the like; there is also in these latter no division along religious lines. A tendency to specialization is arising, *i.e.*, George Junior Republics receive only certain offenders. Elmira has an admittance restriction. But a most necessary division has not yet come, — the unfortunate, the delinquent, the morbid, and "natural" offenders are still mixed.

For example, in one institution a negro was brought up. All the examination went on with ordinary facility until it came to his trouble. Then with perfectly solemn face he told me how Shem, Ham, and Japheth appeared every night to him. Also the devil and one or two witches came and told him where to go to find hidden treasures. I asked him why he considered these things as "troubles." He said they were temptations but "the Lord" saved him. "Does the Lord also speak to you?" With a face all illuminated he asserted that every night the Lord appeared. He described

Him in detail and his description was as weird and strange as an apocalypse of Greek times combined with the medicine doctor's vision of an African savage's god.

The next — "patient" I find myself saying. The next was a boy in his teens — clean, straight face and honest eyes. He had been plied with drink and sent up on a charge of abusive language. "Did you do it?" was my question. "I don't know. I don't remember." "Were you ever arrested before?" "Never in my life." "Are you ashamed of being here?" I did not need any answer, for as the tears burst from him I saw how crushed he was.

Again in the same institution were neurotic patients, men with epilepsy veiled, men so ignorant they could not spell their names, college graduates, and with them men of embruted life. One said to me on examination, "Drink is the cause of my troubles." "Can't you stop?" "No." "Well, what were you sent here for?" "Common drunk." And he had been there half a dozen times. With these were Negroes, Sicilians, Neapolitans, Austrians,

Russians, Jews, Irish, English, American, German, and other combinations, as though the confraternity of this sub-world had been swept together in one pile and shovelled there. There were several grades of insane, professional criminals, occasional and born criminals, all mixed with the loafer and the "common drunk." Now, who will tell us what to do with such a combination? As well try to drive a squirrel and an ox together as these.

Types of institutions.

So numerous are these institutions for the juvenile that only a few typical ones can be mentioned. There are all kinds of foundling and orphanage asylums with collateral societies for the aid of children and prevention of cruelty to them. The day and night industry schools are adapted to teach the delinquent manual labor if not the rudiments of a trade. His attendance, if a night scholar, is especially reported to the court. There are organizations, like the New York Juvenile Asylum, which combine both these ideas, they take orphans and destitute as well as delinquent children, putting them as nearly as possible under

the régime of a strict boarding school with special curriculum. The village, cottage, and farm plans are a revolt from the large institution idea; such are the George Junior Republics. A village is organized on the plan of a republic. The delinquents are called citizens; special money is used. The children must manage to live on what they earn, subsidized a little. The laws are made and administered by the citizens under supervision. The idea is to teach the juvenile by personal experience what a nuisance the offender is, and to inculcate the idea that nothing comes without honest work.

In places like the House of Refuge, Rahway, and Jamesburg the boarding and military school plan is elaborated. Education is more thoroughly entered into and discipline is more strict. Following the plan adopted at Paris, industrial and manual training are emphasized with the idea that when the juvenile has served his time he may be the better fitted to earn a living.* The indeterminate sentence is so adapted

* "Homes for Criminal Children," F. Fowke in "Lend a Hand," Vol. V., page 527.

that none can be kept beyond majority, but within that time limit all are there until good behavior has presupposed cure.

At Elmira the educational and industrial idea has been elaborated until there are almost all branches in operation; massage, turkish baths, "setting up" exercises, drills, military and musical, wood working, manual training, printing, horticulture, all school grades from kindergarten up. So thoroughly are these convicts educated that the complaint has been made that the State treats her delinquents better than her orderly children. But what have been the results?

The institution idea is beginning to break down.

In the first place the institution idea is beginning to break down. It is found that the more elaborate and expensive such an organization is, the more difficult it is to get proportionate results. Even in an orphan or foundling asylum this is true. If the inmates are little babies it is almost impossible to keep them alive. Every effort has been made, but none succeed when carried out in the big plant.

It has been a dream of such idealists as Plato

and the great thinkers of Socialism and Communism that the State should bring up her children in common, that no child should be mothered individually. Never was a dream more fully denied by facts than this. It is impossible to bring little children up without mothering. Apart from sentimental reasons, the nuzzling and petting a child gets, combined with the gentle massage of the caressing mother body, are essentials to its life. It is so the baby gets its exercise and keeps its body healthy. If it does not have the mother breast to suckle, its teeth may go crooked, inbent, and hence quickly be lost, the whole face and head be undeveloped or malformed, and even fatal mouth cancers arise. A dozen babies in one room seem to poison each other. In several institutions the mortality rose to the nineties out of a hundred, and that before the expiration of the three months necessary to complete arrangements for placing them out. It is impossible to feed a lot of tiny motherless babies. The milk of goats and asses has been tried, cow's milk in every preparation, but none are very successful with very small children.

If a wet nurse is hired she feeds her own child, but it goes ill with the stranger. Much of this is due to the fact that the infants are not well born and strong, but so much of it is due to the herding process that this has been called "cold storage for infants."

The orphanage and mild school institutionalize.

If the wards are older, orphans, or members of a lighter correctional school like New York Juvenile Asylum when organized on a congregate system, another peculiar fact evolves. After years of stay in the barrack-like place, playing at command, working, sleeping at a signal, assembling to be seen by patrons, taught to say polite things at a command, the result has been called "institutionalization." When compared with other children of the same age and social condition they lack the ability to take care of themselves in ordinary life. They long to return to the seclusion and protection of the barracks. They find it hard to adapt themselves to home life; they are institutionalized. So well known is this fact that every big plant is doing its best to avoid the evil. For example, the New York

Juvenile Asylum has recently disposed of its New York property and moved to a country place on the Hudson, reorganizing on the village or cottage plan. The prime factor inspiring this movement was institutionalization.

In case the offender is sent to a sterner place he is "branded" as a criminal and has a serious handicap to live down. Homes are closed to him, employers are afraid of receiving him; everywhere society shuns him when people learn the name of the institution in which he has been incarcerated. Judge Sweeney, in an address at Newark on this theme, gave the following example: A convict was brought before him for trial. He recognized the culprit as one before sentenced to a stern institution and spoke of the regret it caused him to see him again in the court. The offender raised his head and replied: "Judge, I am guilty; I did it, and I 'm sorry, but for God's sake send me this time to some place where, when I have served my time and paid the penalty, I can come back and find some place where they won't slam the door in my face."

The sterner organization brands.

The sterner institutions have long recognized this process of branding and are doing all they can to avoid it. They call their places "schools," "asylums," "farms," "republics," but the result is not altered. The child who enters there, however changed for the better, is branded and it is exceedingly difficult for him to get into society again and live it down.

The cause of these evils of institutionalizing and branding is universally ascribed to the unnatural life the inmates lead. What is good for a grown man at liberty when a certain amount of restraint and drill have been endured is fatal for a child when he is under it day and night. Drill makes a good soldier, but constant institution drill makes a bad citizen. There follows, therefore, the attempt to make these places "natural." All kinds of schemes have been evolved; the big plants are broken into numerous smaller ones, with small houses and matrons, the village, cottage, and "home" plans are tried. But the evils are not obviated; they are only lessened a little. With all the expensive paraphernalia

The attempt to make the institution natural.

the results are unsatisfactory. It is impossible to trace in detail the sequel of the lives so tampered with. Some institutions give no report. Those who do so put the percentage of reform as high as possible. Few of their claims in this respect will bear merciless scrutiny, for none of them keep such accurate records that a released convict would be discovered by them if he became a recidivist years after in some distant place. Yet taking these reports as essentially accurate, let us see what becomes of the institution child.

Of all the delinquents coming before the Juvenile Court at Denver, Judge Lindsey, incomparably the most successful worker with boys, claims 96% finally reformed. Of all treated by him 5% are returned to court and 10% sent to some correctional institution. This may be taken as the standard, for it is on the whole the best record of the world. But it should be noted that only 10% of all he handles are sent to institutions, the rest are treated by a plan to be described later.* Since only those not reformed

* The influence of his personality on the home.

by court methods are sent to an institution it follows that the 4% not reclaimed are institution boys, that is, 40% of those committed to the care of these big plants by the Denver court are not redeemed.

Under a similar Australian scheme with the best conditions, and handling only about twenty-five boys, 4% failed.

First and mild offenders are usually put on probation; we should therefore expect large success with them. Newark returns show 60% cured and the rest "needing but a little help." * Chicago, Indiana, and French reports are exactly alike, 10% of their probationers fail, and this is Judge Lindsey's figure. But taking all the children's courts in the United States 50% of their wards are not cured. Some are sent from the court to a mild institution. New York Juvenile Asylum includes destitute as well as delinquent children. It is well equipped and managed, but 20% do not do well after treatment. In France Raux gives a ten-year record and it is

* For all these data see reports of the institutions mentioned; "Children's Courts in the United States," by Dr. Barrows of the New York Prison Association; "Enfants Coupable."

almost the same as the general figures for the United States — 44% fail.

The Massachusetts plan is said to be one of the best. It includes all grades of institutions, well officered and organized; 75% of all brought before the courts are convicted; one-fifth of these reconvicted; one-ninth sent to reformatories; one-tenth are in court again within a year, and a few later.

The George Junior Republic takes only offenders with no deep criminal record or taint. It refuses mental or moral defectives, yet 40% of its citizens fail.

Rahway Reformatory, splendidly equipped and run, takes sterner cases. It reports 77% permanently cured and claims this to be the best record in America, if not in the world for a like institution. By "permanently cured" they really mean that no recidivism is discovered within a few years of release, — no life record is kept.

English reformatories report 79% of boys and 76% of girls do well after treatment. Another report gives 25% of failure. Of the

industrial schools 16⅔% fail and this is precisely the percentage of failure reported by the Minnesota State schools.

Elmira takes first felons between the ages of sixteen and thirty. It weeds out the most degenerate and most deeply tainted, sending them to a prison for insane criminals. Yet it reports with all its superb equipment 18%–28% of failure, and even this report is based only on a two-year post release record. What becomes of those weeded out for sterner places and those who fail? We have no accurate statistics of them. They drift from one prison to another, alternating their life with criminal debauch and long captivity. We can get a hint of their fate by the classifications of the Italian School, for it will be remembered that they deal largely with this type of offender. Ferri and Lombroso divide their offenders thus: (1) criminals by passion; (2) occasional criminals; (3) criminals by contracted habit; (4) born criminals; (5) criminal madmen. The first and second classes are those who not being deeply involved by disposition serve their terms and perhaps return to

honest lives. Of the future of the third class it is reported laconically "once a thief always a thief." They declare that not a single member of the fourth class has ever been reclaimed. Of the fifth class not even the most optimistic have much hope.

Summary of the effects of institution life.

Therefore, to summarize the effect of institution life we may say: it does not succeed with babies, and the orphan is not rendered efficient by its treatment. A summary of results of purely institution life made from the preceding statistics reveals from 20% to 50% of lighter offenders not cured. And this percentage, when we remember that at least 90% and probably 98% of these culprits are normal and therefore curable, is not satisfactory. All those whom it reclaims are institutionalized and branded. The inmates not cured by the milder schools drift to the sterner, which in turn release them at the expiration of sentence to continue the criminal life. For these reasons the institution idea has begun to change so that those closely in touch with the big organization and yet not so involved that

they are unable to enunciate its limitations recognize that the sphere of such schemes should be limited to the deeply criminal and anomalous children.

The reason why the institution idea has persisted so long is that there is a class of offenders who are so bad that there seems no other method of dealing with them. The only feasible plan seemed to be isolation in large buildings with others of their kind. But it has been shown that such, including the insane and morbid, are probably not more than 5% of first court offenders. With these, then, we will deal briefly. It has been shown that some are not natural criminals but only offenders by confirmed habit. These may well be gathered in small institutions and special efforts made to redeem them, for they are normal. The insane delinquent may also be put in similar places under the alienists' treatment. No plan universally applicable can be given; it is with the abnormal more true than the normal — each person constitutes a separate problem.

The sphere of the institution is with the deeply criminal, the morbid and insane offender, and the naturally criminal.

For those who are so deeply involved that they may be called "natural" criminals and for those who are by nature delinquents, the results of the study of stigmata suggests some hope. If we grant that the claims of the Italian School are true when limited to the natural criminal and when purged of any reference to discovery of type of crimes, we may then use these stigmata as a means of separating those persons who, while not morbid or insane, are yet tainted with crime, from those who are criminal by nature.

Those who have not the stigmata and are not morbid or insane may be presumed offenders by habit, and special efforts be made by isolation and treatment in small institutions to reclaim them.

Those deeply criminal and also possessing stigmata may be considered naturally vicious, and after separating these in some small plant we may test the claim of the Italian School that these anomalies have a causative effect; at least we may prove whether these peculiarities are in themselves a sufficient cause of criminality.

It will be remembered that these stigmata are for the most part abnormally shaped head bones;

now it is known that deficiency in this respect can affect breathing, vocalization, and enunciation, so that through these clear thinking is made difficult. Also deficient head bones can so affect the torsal skeleton that lungs, chest, shoulder, and spine may be mal-developed and thus the nerves and mind weakened. Defective dentition can undermine digestion and profoundly affect general health. It is well known that accident or maldevelopment in head bones can cause crime, for removal of such factors has brought reformation in isolated cases.* But the crucial point, *i.e.*, that the natural offender is caused by defective head bones, so that if these were righted normal life would always result, is not known. It may well be that the head is deformed by reason of some subtle state of nerves or blood and that what have been named stigmata are only external manifestations of an internal and as yet unknown cause. It may be that these external anomalies as well as the psychic peculiarities are

A plan to successfully treat the natural offender.

* See the case of the Harvard skull, also Maudsley, "Responsibility in Mental Diseases," etc.

so deeply seated as to be involved in the human ovum and sperm.

There is, however, a science which throws light on the question. About twenty-five years ago the assistant of an American physician residing in Paris began to study the jaw with respect to teeth. He found good occlusion very rare. A careful study of the effects of teeth on development of the head was then begun. Models were made of each patient and these repeated at intervals so that every effect of treatment could be watched. Several hundred series of models were thus studied and the results, though never before recognized as bearing on the treatment of the offender, are worthy of attention.

As they bear on our theme some of these discoveries are mentioned:

Extraction of permanent teeth causes: (1) diminution of the size of the dental arches; (2) diminution of the size of the arch of the palate; (3) prevention of mastication; (4) diminution of the room needed for the tongue; (5) injury to vocalization, and therefore of clear thinking; (6) noticeable twisting of the face;

(7) abnormal approximation of the nose and chin; and through these, mal-development of the teeth causes: (1) prognathous jaws; (2) under-development of one side of the face; (3) deflection of the nose; (4) crooked and "wolf" teeth; (5) loss of dignity of expression; (6) ugly face, and (7) mouth breathing with its serious results on vitality.*

Dr. Bogue declares that the displacement of even one permanent molar further forward on the arch than it should be will cramp to a considerable extent all the contiguous bones, so that the face never gets its development. The vault of the palate is deformed; there is no room for the free use of the tongue or for respiration; the nasal septum is deflected. He has examined hundreds of aboriginal skulls and finds that from the same causes of uncorrected dentition the size and shape of the skull are profoundly affected.

* These results are given in a series of papers before American and foreign medical associations on the influence of arranging teeth in their normal position, etc., by E. A. Bogue, M.D., D.D.S., former lecturer on pathology and therapeutics at Harvard, member of the Odontological Societies of Great Britain, New York, and France, etc.

It will be noticed that these results bear directly on the realm of stigmata, for they show the origin of some abnormal palates, sinister faces, deflected noses, prognathous jaws, and general cranial asymmetry, all of which are stigmata recognized as typical of the natural criminal and degenerate.

But the further question is of most interest; having discovered these causes, can the anomalies be righted? And what is the result on the intellectual and moral life of the patient?

This physician has for years been working along the line of correction and he finds it comparatively easy to right these peculiarities if the child be given to him before the age of sixteen. Every one of the above-mentioned stigmata the writer has watched him correct. Abnormal palates have been righted; deflected noses made straight; jaws prognathous to half an inch have been made normal. Indeed, the whole cranial form has been so changed that strikingly abnormal heads grow not merely regular, but almost beautiful; and there is often a change for the

better in the intellectual and moral life of the child thus treated.* Before our interviews Dr. Bogue had not thought of the application of this science to criminal physiology, but he is now convinced, as is the writer, that if the malformations described by the Italian School cause the offences of the natural criminals, they can be removed in youth, and thus that form of offender usually recognized as most hopeless can be eliminated.

The work of Dr. Cronin in the New York Public Schools should be noted. Careful examinations were made, adenoid and post-nasal growths were removed from children declared incorrigible. The results are in many cases simply amazing. The writer has seen juveniles he would have suspected of natural backwardness or criminality — children repulsive almost in their mal-development and certainly ugly in their disposition; he has seen such a change wrought in six months as a result of the operation that the children were scarcely recognizable. The faces were illuminated with intelligence,

* See appendix, Plates XII., XIII.

the body erect with health, and mind and morals wonderfully improved.

It is clear that all this plan can not be carried out with best results in the scattered homes of the delinquents. Part of it is expensive and needs specialists, but because the number requiring such treatment is relatively small we may turn them over to the institution, for the two great evils, branding and institutionalization, will not have such disastrous effects on these, and it is their only hope. We may therefore say that the special field of the institution is reformation; particularly reformation of the abnormal child.

Extirpation as a method of prevention.

There will surely be some who can not be reformed by any method yet devised. There are the adult offenders who, being left often at large, form a delinquency-breeding centre not to be ignored. For those who are not amenable to reformation there is only one realm left, and that is extirpation. This should not be considered in any other light than as a method of prevention, for whether we speak of formation, reformation or elimination,

they are all merely departments of the one supreme aim, — prevention.

At the present time we have two methods of getting rid of the worst criminals, life imprisonment and death, neither of which is satisfactory. Entirely apart from any feeling as to whether these are brutal, considering them as means of eliminating a confirmed criminal, they fail in their object. Even if we had a comparatively painless method like the lethal bath, the same objections hold,— a jury will not inflict capital punishment except under the most extraordinary pressure. In case an offender is sentenced for life the crime is forgotten in a short time; his friends work through politics and in a little while the criminal is liberated or escapes. It is said that the sanction of murder in the United States is not more than six years' imprisonment on the average. Besides this the extreme penalty is not inflicted except for murder. The offender may so shock a sensitive woman that she is an invalid for life; he may be a pervert who leaves a trail of ruin, but he can not be kept beyond the expiration of his

term. Now if the hopeless criminal were absolutely sterilized and then isolated, preferably on a remote island with military or naval station as guard, were he given also the necessities for making a living there, he could associate with his kind, even marry, and the problem would be nearer solution. The man could live his life, but could leave no progeny of defectives as did old Juke and Rodney.

In review of these latter paragraphs we may say that although the institution is not a success when applied to the normal offender, there is yet an important field which it alone can cover; it may deal with the abnormal criminal. For with him the evils of institutionalism and branding become comparatively insignificant and he can not be otherwise treated. The deeply involved can be handled only by an organization of this type, and the same is true of morbid and insane delinquents. The treatment of the natural criminal calls for the same kind of scheme; and finally it may do the work of an organization which officially designates those who have proved themselves beyond any

hope of recovery by any known method, yet without depriving them of life or cruelly restricting liberty it may by sterilization and isolation render them harmless to society and let them live their lives as freely as their unfortunate condition will warrant.

Reformation and extirpation, two departments of prevention, have been discussed; what of prevention? Outside of the efforts of the State a great civic movement for prevention in the shape of civic betterment has been going on. Associations like the Charity Organization Society and the Society for the Prevention of Cruelty to Children have arisen. These, by handling the borderlander and his children in a tactful way, do a large work for the prevention of delinquency, especially by educating the public in methods of philanthropy. By applying their standard of worthiness in a rigorous way the borderlander is often saved. Thus from the standpoint of prevention it makes no difference how a family comes on the border line. If the individual or the family will coöperate with the helper for

General civic betterment as a method of prevention.

the applicants' benefit they are worthy, but if there is the intent to lie down, no matter how this state is reached, they are not worthy.

Of the lesser plans for civic betterment only a few can be mentioned. Myriads of playgrounds, clubs, parks, settlements, and the like have risen. The root idea of which as they bear upon our theme is as follows: The home of the offender is weak, it is in a crowded locality and it is under bad supervision. Parks, playgrounds, and the like are meant to furnish a wholesome environment where the child of the city can play freely under the influence, if possible, of strong personality. Clubs, settlements, adapted schools, etc., are meant not only to furnish social advantages, education, and the like, but also to put their members under the influence of a strong leader who will be their friend, and who will extend to the home of the weaker members an influence which will be preventive of delinquency by its uplifting power.

Playgrounds, clubs, parks, settlements, etc., as preventive schemes.

Even the Puritanic idea of curfew has been adopted. Curfew laws have been successfully

administered in two hundred smaller cities or towns. All unescorted children are required to be off the street at 8 or 9 P.M. Lincoln, Neb., had 75% less arrests in the two weeks after its trial. In North Platte no children have been sent to reform school for two years since curfew began. The Prisoners' Aid of Canada also recommends it.*

Curfew as preventive.

The preventive effect of civic cleanliness has been so clearly recognized that in many cities of America corps of boys have been organized under the supervision of the street cleaning department for the purpose of rendering the streets in the slum portions cleaner.† Public baths and baths in connection with the schools in the poorer localities have produced good results.

Civic cleanliness as preventive.

In another line much preventive work has been done by the Social Secretary and the Con-

* "The Juvenile Offender," Cady; "The Child Problem," Prisoner's Aid of Canada, pamphlet.

† Report of D. Willard, D.S.C., Supervisor; "Street Cleaning," by J. E. Waring.

sumer's League. One of their objects is to guard the girls and children in large stores and factories and through a kindly influence to come to the rescue of the weakened home. They have kept down the evils of child labor and unwholesome factory conditions.

The Social Secretary and Consumer's League.

But the great result of all these civic betterment plans has been to mark out more clearly the relative importance of branches of treatment. Together with the experience derived from the institution they have demonstrated that the great field of treatment is prevention. Formation should take place in the home, and the home can be best fortified by general civic betterment, which will render it easier to avoid delinquency. After the fact of delinquency the results of the institution life have shown that normal offenders should not be submitted to incarceration except as an utterly last resort. Reformation of the deeply involved and abnormal and extirpation of the hopelessly tainted is the field of the institution.

We have seen that the function of the institu-

tion is to treat the abnormal offender. The evils of institutionalization and of branding, together with the unsatisfactory record of reform, have led to a distrust of the institution when it is used to harbor the normal child; the great lack when dealing with the ordinary offender is its abnormal life. Every effort has been made to render this life natural, and these efforts have failed everywhere. The life of the inmates is not normal, and no ingenuity can make it so. Therefore, the attempt has been given up by many leaders and they are trying to take advantage of a natural institution already existing, *i.e.*, the home. The effort of this plan is to give the normal delinquent the one thing he usually lacks, a home where he will receive ordinary care and where his life may develop under wholesome environment.

The rise of the foster home.

This plan has as yet evolved only to the stage of a department of the most advanced institutions. Homes are found for a certain number of the wards. The child is apprenticed or adopted. More or less vigorous visitation and supervision are exercised, and very good results

have been reported wherever the plan has been intelligently carried out.

Various placing-out methods.

There are various methods and grades of placing out. Sometimes the ward's board is paid in part or in full; or as by the German Rauhe Haus plan one family or person becomes responsible for one delinquent child; sometimes he is apprenticed until majority, or indentured for a period; sometimes the child is legally adopted. Pure placing out in all cases is rarely advocated, because there are children so abnormal or vicious that special preparatory treatment is needed to prevent them from infecting the foster home; samples of the various methods may be given.

Australian methods.

In Victoria, Australia, a boy is sentenced to Ballarat Reformatory for one year. He can reduce this to nine months by good behavior. After this preliminary discipline he is placed in a foster home, or allowed to enter the army or navy. He is always under careful supervision.* This system

* "Homes for Criminal Children," "Lend a Hand," Vol. V., part 2, page 527.

is adopted with variations in most Australian colonies, in S. Australia, and in New Zealand. All over Australia the government has decided that the best method is to get foster homes and keep the delinquent there until at least working age. The history of this plan is worth knowing. It began about twenty-one years ago in S. Australia through the influence of Miss Emily Clark, a niece of Sir Rowland Hill.* An industrial school was to be built, and Miss Clark opposed it. The school was completed and soon overcrowded. The results were poor. Miss Clark took the overflow and placed them out. So numerous were the applications for wards that the school was soon emptied; the results were good. Now there is only a central place of temporary detention, and not a voice is raised against the new plan.

British methods.

In Scotland and in England (to some extent also in Ireland) children are "boarded out," — their board is paid in some family. There is a central de-

* "Children of the State in Australia," Miss C. H. Spence, Children's Advocate, Nov. 9, 1893.

tention and distributing office; with keen supervision the plan succeeds well.*

German and American plans.

The Rauhe Haus illustrates a German plan; local families are obtained to become sponsor for at least one child. In Berlin there is placing out with a central plant for inspection and quarantine. Canada has subsidized homes. In Minnesota the State Public School is designed merely as a clearing house and location for preliminary treatment before placing out. The New York Juvenile Asylum has a placing-out department.† Michigan has a county agent who must visit and fully report all prospective foster homes. All children must first be sent to the State School. They are then placed out as far as possible from their former surroundings. Delinquent parents must report to the county agent and he is empowered to visit and report on all children placed out by private or county institutions.

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* "Children of the State," Howard Ass'n, London, 1894.

† "The Supervision of Pauper and Friendless Children," pamphlet; "Bulletin of Iowa Institutions," April, 1902; "The Child Problem," by Prisoner's Aid Soc. of Canada; "The Michigan County Agent," Charities, 1902, Vol. VIII., page 433.

The system has worked so well that it has been adopted by Wisconsin, Minnesota, and Rhode Island. In Ohio delinquents are kept in "county orphanages" until they are located in foster homes. Pennsylvania places the child out directly from the street, without preliminary training. It is reported as working well with the younger children but not with the older and deeply tainted.

There is demand for wards. Advantages. Defects.

It may be a matter of surprise that practically everywhere, especially in Australia, Oceanica, and the United States there is great demand for foster children. Good results are everywhere reported. Some advantages claimed are as follows:

It costs about half as much as the institution plan and gives better results.

Overcrowding is avoided.

Those peculiar phenomena of institutions known as "immoral explosions" are prevented.

Epidemics and immoral infection are avoided.

The children can not be institutionalized.

The ways of common living are taught.

The stigma of reformative institutions on children is obviated.

The nearest approximation to a real home is given the child.

Yet there are weaknesses.* Abuses on girls boarded out in remote districts of Canada and Nova Scotia are reported. A difficulty in finding proper school facilities in rural districts is experienced. City children put in lonesome country places are not happy. Some foster parents overwork the wards, or use them to make money, and at the close of the period agreed upon they leave the child helpless and deserted.

Experience has taught that several things are essential to success in this plan. There must be no following of unbreakable rules; a wise personality must direct. The agent must have full power to transfer the ward when he thinks best. It often happens that a child is unfavorably reported in four or five families in succession,

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* "Juvenile Offenders," a pamphlet issued by Howard Ass'n; "Children of the State;" "Second Mass. State Conference," page 161.

yet the next family likes him very well. Central places of reception, quarantine, and preliminary preparation for weeding out bad, vicious or morbid children are needed. Only constant and vigilant supervision by volunteers as well as by paid officials will guarantee success.

All correspondence between parents and wards must be carefully supervised and forbidden if necessary, because in several countries it is found that when the ward is able to work the parents want him back, and instigate all kinds of trouble. With these guards the foster home has succeeded better than any other place. Its best results equal Judge Lindsey's and both lead the world. Its average results exceed the average of 50% cure claimed by the children's courts of the United States, and these far exceed the best and average records of institutional reformation. So true is this that the organizations with data covering the whole field and with no institution to uphold, urge that children be taken from the big plants and placed in families as soon as possible.

The legal development has taken the same

trend. Before the differentiation of delinquency from crime, the offender was treated impersonally, whether an abnormal child, a poor child, or a mischievous one committed theft it was all the same as far as the court was concerned. The law was not administered for offenders, but for offences. All the three classes mentioned received the same "penalty," for that is the only fit word; they did not receive treatment.

The legal development shows a tendency toward the application of personality in the atmosphere of the home.

But the law discovered that it must distinguish, it must treat and not merely punish.

The honest application of the letter of the law was seen to be not only unjust, but disastrous, defeating its very purpose, especially when applied to juveniles in this impersonal sense. The children did not understand the difference between naughtiness and illegality, nor did the enforcement of the law teach them. They came as children, homeless, guardianless, bad, and at last the law recognized that it must receive them in the same spirit; it must bridge the chasm between the judge and state father;

these two functions are united in the latest and best legal method devised for handling the delinquent, — the children's court.

The juvenile court.

The greatest product of legal evolution during the past decade has been the juvenile court. By this is not meant merely a separate place for trial, but the court and its organization of associated child-saving methods. Most of all is meant the evolution of the function of the judge to combine the office of court president and regulator with that of state father to its wards. The purpose of the child's court is to give separate, personal, and adapted treatment to each offender, with a view to preventing delinquency from hardening into criminal life.

Judge Lindsey considers the essentials of his court to be: "The acts enabling him to deal freely with the delinquent and dependent children; and to hold parents or adult agents responsible for the offences of their wards; the acts holding fathers accountable for the support, care, and maintenance of their offspring, the statutes providing for the punishment of cruelty

to children, that coöperation between school and court officials by which all these laws are enforced in one court having power to deal with every aspect of the situation before one judge; with a set of paid officials for the enforcement of the law; the administrative work with delinquents as well as for them; and the coöperation of these children with the court." *

It is clear, therefore, that a court in which only children are tried is not a children's court; this is only one of nine or ten essentials. It is often said that some of the best States have no juvenile court, Massachusetts for example, but it will be observed that they have all the essentials except a separate building. The kernel of the court is not the division as to place, it is the change of judicial function and that change wrought out in all the atmosphere and action of the court. The judge does more than rule the proceedings, he sympathizes, explains, guides, inspires. Most of Judge Lindsey's work is done apart from the court and its

* "The Boy and the Court," Charities, Jan. 7, '05, page 350; "Children's Courts in the United States," S. Barrows.

officials. He goes to the home, the gang, the boy, whenever he can, talks to and guides the child as a father. When in court his actions are not otherwise, except that he administers the law in the same spirit and dominates all civic and legal institutions with the fatherly idea,—always legal,—and always judicial. He is state father to the children and his record of redemption is the best in the world.

This organization has done more than cure 96% of its offenders. It has taught old principles more clearly. It has proved the practicability of certain theories hitherto called ideals merely. For example, the French congress for juveniles stated an ideal, a recommendation as follows: "Le congrès estime, qu'il est d'interêt social que des mesures legislatives soient prises pour parer aux conséquences déplorables d'une éducation immorale donnée par les parents à leurs enfants mineurs. Il pense qu'un des moyens à recommander est de permettre aux tribunaux d'enlever aux parents pour un temps déterminé tout ou une partie

des droits dèrivant de la puissance paternelle," etc.*

That is, the State should assume the parents' function when this is not done by the naturally appointed persons.

Judge Lindsey's court has assumed this and proved the practicability of so doing.

Furthermore, Judge Wilkin and Pennsylvania's leaders in juvenile work declared the need of holding parents responsible for the acts of their children. The children's court under Judge Lindsey has proved the wisdom of this also. For he has held not only parents and guardians accountable for the offences of children, but also other adult agents, as saloon keepers who sell to minors, people who harbor gangs, and all who indirectly encourage the boy in his badness.

Not only so, but the juvenile court idea under this judge has shown why the institution plan, whether congregate, barrack, village or farm can not succeed; namely, because they do not and can not admit of the individual, varied, adapted, and constant supervision of a strong

* Theophile Roussel, "Rapport."

and fatherly personality expressed in the atmosphere of a home, which all experience has shown to be the one thing absolutely necessary if the normal delinquent be reclaimed. The State must through such an instrument do the work which the parent has not done, for whatever reason.

Summary and conclusion.

In reviewing the data presented in this chapter we find that the history of modern treatment of juvenile offences begins with the realization that the law must deal especially and in a personal way with the child offender. Practical work has shown that the aim of this treatment should not be punitive but educative, formative, reformative, and extirpative, yet all from the standpoint of prevention. The development of the institution has shown that education and reform are spoiled by institutionalization and branding, so that only the abnormal or deeply involved delinquent should be handled by it. Attempts to render the institution free from its evil effects on the normal child took the trend of making this organization natural. This

was found to be practically impossible. Civic movements demonstrated that general civic betterment, closer alliance between the home and the school, performed the work of prevention better than the institution could. And all schemes showed that the most successful methods had been those where strong personality was exerted directly on the offender in the home and not in the institution. The search for a natural institution in which to deal with the offenders revealed the foster home, which was tried with the best success yet attained. The legal development took the form of children's courts, the essence of which is a combination of fatherly and judicial function exerted on the juvenile and on his home. The best examples of children's courts revealed the same truth that the other plan had discovered; namely, the necessity of strong influence exerted on the child in his home. And the fact that wards were demanded in sufficient numbers by foster homes has shown that all normal offenders can be so located. It is therefore reasonable to conclude that instead of making placing out a department of an insti-

tution the reverse should be done, that is, the institution should be made a department of placing out, so that the abnormal offenders alone should be permanently handled by it.

And the treatment of the normal delinquent should be the influence of a wholesome personality exerted in the atmosphere of a home, natural or foster.

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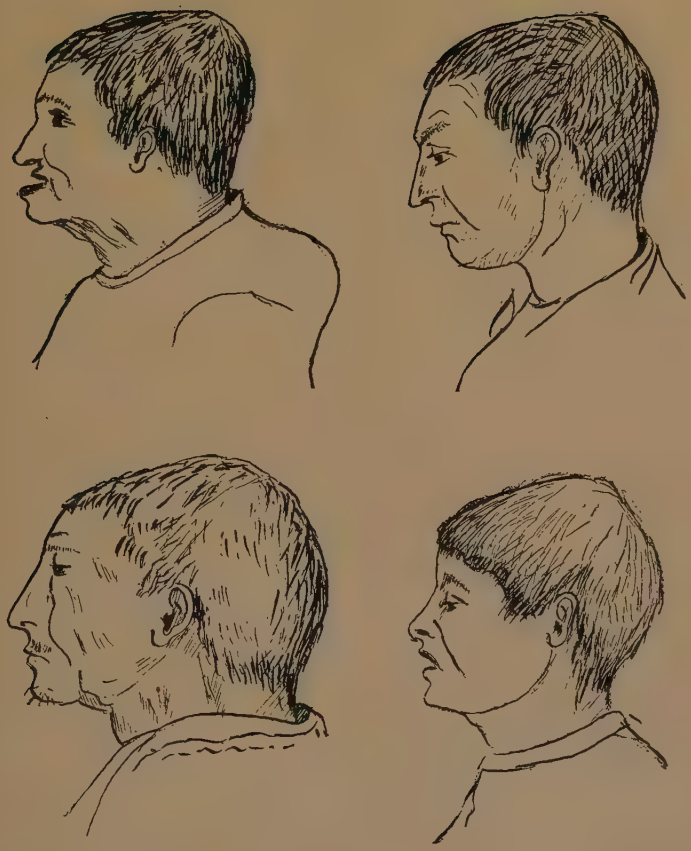
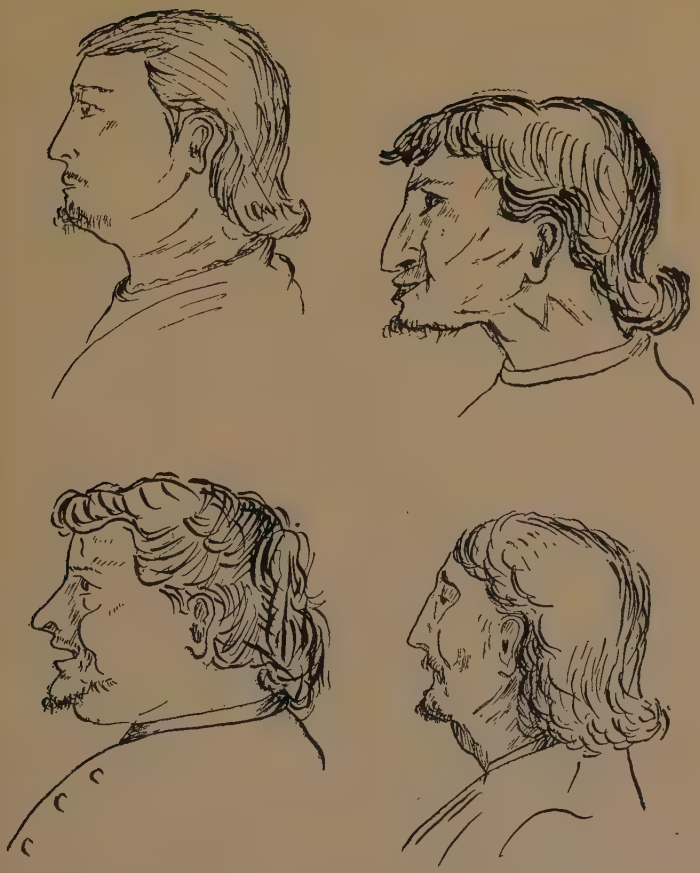
APPENDIX

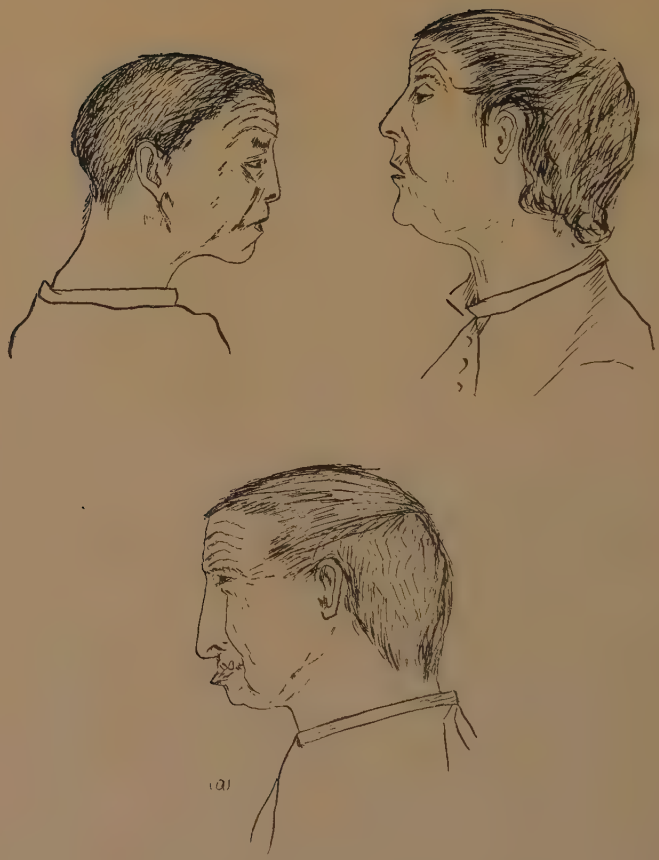


I. Malformed Heads of Insane Females.

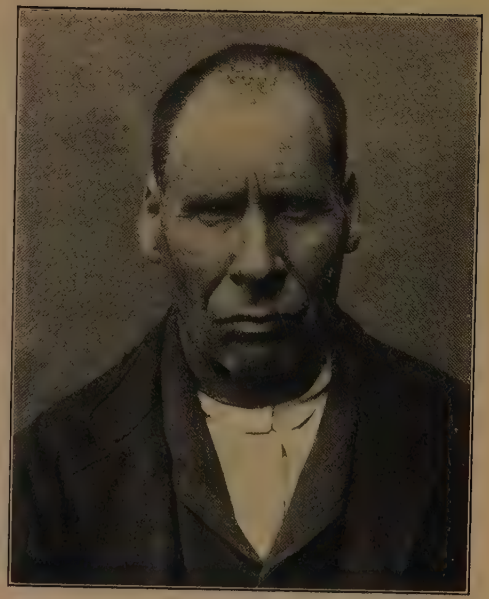
II. Peculiarities in the Insane: Abnormal Hair on Male Faces.



III. Peculiarities in the Insane: Abnormal Hair on Female Faces.



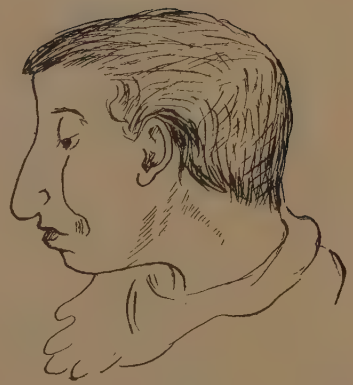
IV. Abnormal Facial Wrinkles of Insane Females.



V. Peculiarities in the Insane.

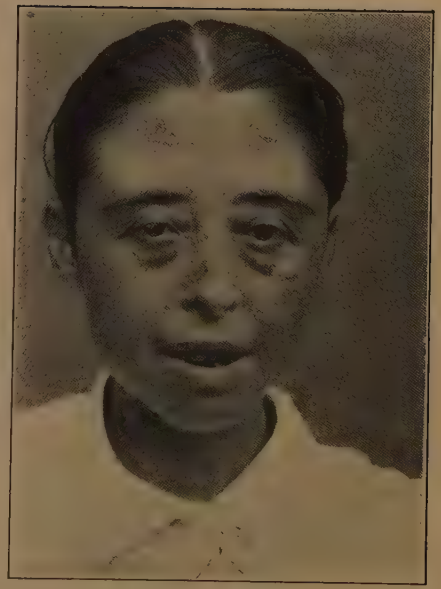
(Deflected Nose.)

(Heavy Jaw.)



VI. Abnormal Heads and Noses of Insane Patients.

VII. The Almond or High Nostril of Insane Patients: Side View.



VIII. The Almond or High Nostril of Insane Patients: Front View.

IX. Palates of Sane and Insane Patients, not Criminal.
(Only the three on lowest row are from Sane Patients.)

X. Peculiarities in the Insane: Spottedness and Extra Toes.

XI. Peculiarities in Paupers, not Insane or Criminal: Flopping Ears.

XII. The Under-developed Face of a Child, before Treatment.

XIII. The Under-developed Face of a Child, after (Unfinished) Treatment

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